

AGENDA

Regular Meeting

of the

CITY COUNCIL OF THE CITY OF TROY

JANUARY 12, 2004

CONVENING AT 7:30 P.M.

**Submitted By
The City Manager**

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your Agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible amendment and adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

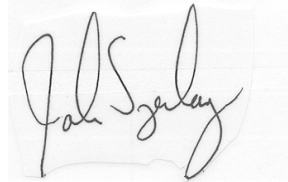
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Goals

1. Minimize cost and increase efficiency of City government.
2. Retain and attract investment while encouraging redevelopment.
3. Effectively and professionally communicate internally and externally.
4. Creatively maintain and improve public infrastructure.
5. Protect life and property.

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Szerlag", is written over a light gray rectangular background.

John Szerlag, City Manager



CITY COUNCIL

AGENDA

January 12, 2004 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER 1

INVOCATION & PLEDGE OF ALLEGIANCE – Pastor T.J. Klapperich – First Baptist Church 1

ROLL CALL 1

PRESENTATIONS: No presentations scheduled. 1

PUBLIC HEARINGS: No public hearings scheduled. 1

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NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3317 or via e-mail at clerk@ci.troy.mi.us at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

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CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE – Pastor T.J. Klapperich – First Baptist Church

ROLL CALL

Mayor Matt Pryor
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

PRESENTATIONS: No presentations scheduled.

PUBLIC HEARINGS: No public hearings scheduled.

PUBLIC COMMENT:

A. Items on the Current Agenda

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. Consistent with Order of Business #11, the City Council will move forward the specific Business Items which audience members would like to address. The Mayor shall announce the items which are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Business Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address council prior to council discussion of the individual item.

B. Items Not on the Current Agenda

After Council is finished acting on all Business Items that have been brought forward, the public is welcome to address the Mayor and Council on items that are specifically not on the agenda. (Rules of Procedure for the City Council, Article 15 as amended September 22, 2003)

CONSENT AGENDA

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may remove an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent business portion of the agenda have been heard. (Rules of Procedure for the City Council, Article 13, as amended September 22, 2003)

E-1 Approval of Consent Agenda

Suggested Resolution

Resolution #2004-01-

Moved by

Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) _____, which shall be considered after Consent Agenda (E) items, as printed.

Yes:

No:

E-2 Minutes: Regular Meeting of **January 5, 2004** and Study Session of **January 7, 2004**

Suggested Resolution

Resolution #2004-01-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of January 5, 2004 and the Minutes of the 8:00 PM Study Session Meeting of January 7, 2004, be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations: No proclamations proposed.

E-4 **Corrected Resolution: Civic Center Land Sales Ballot Proposal from Regular City Council Meeting Held on Monday, December 15, 2003**

NOTE: The below corrected Resolution #2003-12-630 from the Regular City Council Meeting held on Monday, December 15, 2003 has been resubmitted for Council approval noting that "proposed Charter amendment" has been **STRICKEN** and "Ballot proposition" has been **INSERTED**.

Suggested Resolution

Resolution #2004-01-

RESOLVED, That Troy City Council **APPROVES** as to form the following **proposed Charter amendment Ballot proposition** for the April 5th 2004 election:

Shall the City of Troy, Michigan, be authorized to convey seven acres of the Troy Civic Center site for the development of conference/hotel facilities?

E-5 Corrected Resolution: Revised Final Site Condominium Approval – Shady Creek South Site Condominium, North of Long Lake Road and West of Rochester Road – Section 10 – R-1B Regular City Council Meeting Held on Monday, January 5, 2004

NOTE: The below corrected Resolution #2004-01-006-E-07 from the Regular City Council Meeting held on Monday, January 5, 2004 has been resubmitted for Council approval noting that “56” has been **STRICKEN** and “5” has been **INSERTED**.

Suggested Resolution
Resolution #2004-01-

RESOLVED, That the Revised Final Site Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Shady Creek South Site Condominium as recommended for approval by City Management, located north of Long Lake Road and west of Rochester Road, Section 10, including **56 5** home sites, within the R-1B Zoning District, being 3.02 acres in size, is hereby **APPROVED**.

E-6 Private Agreement for Plumbing Industry Training Center – Project No. 03.924.3

Suggested Resolution
Resolution #2004-01-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Metropolitan Detroit Plumbing Industry Training Trust Fund is hereby **APPROVED** for the installation of watermain, storm sewer, and paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Request for Recognition as a Nonprofit Organization Status from the Polish American Numismatic Society, American Polish Cultural Center, for the Purpose of Obtaining a Charitable Gaming License

Suggested Resolution
Resolution #2004-01-

RESOLVED, That the request from the Polish American Numismatic Society, American Polish Cultural Center, Troy, Michigan, County of Oakland, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be **APPROVED** as recommended by City Management.

E-8 Mon Jin Lau Fireworks RequestSuggested Resolution

Resolution #2004-01-

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the following City Ordinances: Chapter 98 – 98.05.16 Fireworks; and Chapter 93, 3301.1.3 Fireworks, for the purpose of celebrating Chinese New Year at the Mon Jin Lau Restaurant, located at 1515 East Maple Road, on Monday, January 26, 2004.

E-9 Troy v. ObertynskiSuggested Resolution

Resolution #2004-01-

RESOLVED, That the City of Troy City Council **APPROVES** the proposed Consent Judgment in the City of Troy v. Obertynski condemnation case and **AUTHORIZES** payment in the amount stated herein; and

BE IT FURTHER RESOLVED, That the City of Troy City Council **AUTHORIZES** the City Attorney's office to **EXECUTE** the Consent Judgment which shall be **ATTACHED** to the original Minutes of this meeting.

E-10 Standard Purchasing Resolution 1: Award to Low Bidders – Fertilizer and Weed Control Application ServicesSuggested Resolution

Resolution #2004-01-

RESOLVED, That contracts to provide three-year requirements of fertilizer and weed control application services are hereby **AWARDED** to the low bidders, Davey Tree Expert Company for year 2004 at an estimated cost of \$69,709.00 and United Lawnscape, Inc. for years 2005 and 2006 at an estimated total cost of \$143,746.00, at unit prices in the bid tabulation opened December 9, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractors' submission of properly executed bid documents, including bonds, Insurance certificates, and all other specified requirements.

E-11 Maple Road Widening Condemnation CasesSuggested Resolution

Resolution #2004-01-

RESOLVED, That the Consent Judgment in the matter of City of Troy and City of Birmingham v. 2100 East Maple Road, L.L.C., et al is hereby **APPROVED** by the City of Troy and the City

Attorney is **AUTHORIZED TO EXECUTE** the document on behalf of the City of Troy a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-12 Standard Purchasing Resolution 10 – Travel Authorization and Approval to Expend Funds for Troy City Council Members’ Travel Expenses – 2004 MML Legislative Conference

Suggested Resolution
Resolution #2004-01-

RESOLVED, That the Mayor and City Council Members are **AUTHORIZED** to attend the 2004 MML Legislative Conference at the Lansing Center on March 24, 2004 in accordance with accounting procedures of the City of Troy.

REGULAR BUSINESS

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair (during the public comment portion of the agenda item’s discussion). Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended September 22, 2003. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.

F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: (b) City Council Appointments:

The appointment of new members to all of the listed board and committee vacancies will require only one motion and vote by City Council. Council members submit recommendations for appointment. When the number of submitted names exceed the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

The following boards and committees have expiring terms and/or vacancies. Bold red lines indicate the number of appointments required:

(a) Mayoral Appointments

Suggested Resolution
Resolution #2004-01-
Moved by

Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE MAYOR** with **COUNCIL APPROVAL** to serve on the Boards and Committees as indicated:

Economic Development Corporation

Mayor, Council Approval (9) – 6 years

Stuart F Redpath - Does not seek reappointment

Term expires 04-30-2009

Term expires 04-30-2009

Term expires 04-30-2009

CURRENT MEMBERS

NAME	TERM EXPIRES
Bluhm, Kenneth	04/30/06
Gigliotti, Robert S	04/30/08
Licari, Leger (Nino)	04/30/04
Parker, Michael	04/30/07
Redpath, Stuart F	04/30/03
Rocchio, James A.	04/30/03
Salgat, Charles	04/30/04
Sharp, John	04/30/03
Smith, Douglas	04/30/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Baughman, Deborah L	06/18/01-05/2003	07/09/01
Chang, Jouky	10/02/01-10/2003	10/15/01
Chhaya, Dhimant	09/26/02	10/07/02
Hall, Patrick C	01/26/01-06/12/01-05/2003	02/05/01-07/09/01
Hoef, Paul V	09/12/01-08/14/02-08/2004	09/17/01
Freliga, Victor P	11/25/02-11/2004	12/02/02
Pritzloff, Mark	04/17/03-04/2003	04/28/03
Shah, Jayshree	08/28/01	09/17/01
Silver, Neil S	08/11/00-06/20/01-05/2003	08/21/00-07/09/01
Victor, Robert	06/03/03-05/2005	06/16/03

Planning Commission

Mayor, Council Approval (9) – 3 years

Walter Storrs - Seeks reappointment

Term expires 12-31-2006

CURRENT MEMBERS

NAME	TERM EXPIRES
Gary G. Chamberlain	12/31/05
Lynn Drake-Batts	12/31/06
Larry Littman	12/31/04
Amalfi Parker (Student)	07/01/04
Robert M. Schultz	12/31/05
Walter A. Storrs, III	12/31/03
Thomas Strat	12/31/05
Mark J Vleck – (BZA Rep)	12/31/04
David T. Waller	12/31/06
Wayne C. Wright	12/31/04

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Bertin, Leonard G.	10/10/02	11/04/02
Culpepper, Michael	12/97	
D'Anna, Philip	02/08/99	
Deel, Ryan	05/17/01-06/25/01-05/2003	05/21/01-07/09/01
Drake-Batts, Lynn	05/13/03-05/2005	06/02/03/-2/15/03
Gauri, Kul	07/03/03-07/2005	07/21/03
Hall, Patrick C	01/26/01-03/10/03-03/2005	02/05/01-03/17/03
Hanna, Atef A	10/28/02-10/2004	11/04/02
Hoef, Paul V	08/14/02-08/2004	
Hyun, Yul Woong (Jeff)	09/26/03-09/2005	10/06/03
Joseph, Luke	03/10/03-03/2005	03/17/03
Kohut, Gary L	02/17/03-02/2005	03/03/03
Lang, Victoria	07/09/01-06/16/03-06/2005	07/23/01
Lin, Paul Chu	05/22/00-06/17/03-06/2005	06/05/00-07/07/03
Manetta, Pauline	11/26/01	12/03/01
Milia, Carmelo	06/14/01-06/04/03-05/2005	07/09/01-06/16/03
Nelson, Albert Taylor		
Ogg, David	02/9/99-04/16/01-06/09/03-05/2005	04/23/01-06/16/03
Peard, James R	11/25/02-06/09/03-05/2005	12/02/02-06/16/03
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Rocchio, James	04/16/01	04/23/01
Sawyer, Thomas G	10/04/02-06/09/03-05/2005	11/04/02-06/16/03
Shier, Frank	02/18/03-02/2005	03/03/03
Ullmann, Lon M	03/19/01	04/09/01
Wattles, Brian J	07/10/01	07/23/01
Wilberding, Bruce	08/05/99-06/17/03-06/2005	07/07/03
Yousif, Gary	11/24/03-11/2005	01/05/04

Yes:

No:

(b) City Council AppointmentsSuggested Resolution

Resolution #2004-01-

Moved by

Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

Advisory Committee for Persons with Disabilities**Appointed by Council (9 Regular, 3 Alternates) – 3 years**

Term expires 11-01-2006 (Alternate)

Term expires 07-01-2004 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Susan Robosan-Burt	11/01/06
Angela Done	11/01/05
Nancy Johnson	11/01/06
Leonard G. Bertin	11/01/05
Pauline Manetta	11/01/06
Dick Kuschinsky	11/01/04
Theodora House	11/01/06
Grace Yau (Student)	07/01/04
Dorothy Ann Pietron	11/01/04
Nada Raheb (Student)	07/01/03
Mark Pritzloff	11/01/06
Cynthia Buchanan	11/01/04
Kul B. Gauri	11/01/05
Jayshree Shah (Alternate)	11/01/03

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on File		

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

CATV Advisory Committee**Appointed by Council (7) – 3 years**

R. Minnick- Resigned to serve on the Traffic Comm. Unexpired term expires 9-30-2006

CURRENT MEMBERS

NAME	TERM EXPIRES
Jerry L. Bixby	02/28/06
Shazad Butt	11/30/05
Richard Hughes	02/28/06
Penny Marinos	02/28/04
Richard D Minnick II (Resigned)	09/30/06
Fan Lin (Student)	07/01/04
W. Kent Voigt	02/28/04
Bryan H. Wehrung	02/28/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Godlewski, W S	12/28/01-07/01/03- 07/2005	01/07/02-07/07/03
Kuschinsky, Dick	10/11/01-06/19/03- 06/2005	11/05/01
Manzon, Alan	06/04/02-06/2004	06/17/02
Powers, Brian M	10/15/02-10/2004	10/21/02
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shier, Frank	02/18/03-02/2005	03/03/03
Wattles, Brian J	07/10/01	07/23/01
Weisgerber, William	07/14/03-07/2005	07/21/03

Election Commission**Appointed by Council (3) – 1 year****David Anderson - Seeks reappointment****Term expires 01-31-2004****Term expires 01-31-2004****CURRENT MEMBERS**

NAME	TERM EXPIRES
David C. Anderson (R)	01/31/04
Timothy Dewan (D)	01/31/04
Tonni L. Bartholomew	(Charter)

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Brodbine, Anju C.	08/13/02-08/2004	08/19/02
DeBacker, Deborah	05/20/02-05/2004	06/03/02
Gauri, Kul B	08/26/99-07/3/03-07/2005	
Larue, Patricia M	08/12/02-08/2004	08/19/02
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shah, Jayshree	08/28/01	09/17/01

Silver, Neil S	06/9/03-05/2005	06/16/03
Ziegenfelder, Peter	12/07/00-06/11/01-06/11/03-05/2005	12/18/00-07/09/01-06/16/03

Troy Daze**Appointed by Council (9) – 3 years****Term expires 11-30-2004****Term expires 07-01-2003 Student****CURRENT MEMBERS**

NAME	TERM EXPIRES
Robert A. Berk	11/30/03
Sue Bishop Deceased	11/30/04
Jim D. Cyrulewski	11/30/04
Cecile Dilley	11/30/04
Kessie Kaltsounis	11/30/05
Michael Gonda	11/30/06
William F Hall	11/30/05
Jeffrey Stewart(Repr to Parks/Rec Board)	09/30/06
Robert S. Preston	09/30/05
Cheryl A Whitton-Kaszubski	09/30/03
Jessica Zablocki (Student)	07/01/03

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Asjad, Zarina J	05/01/03-05/2005	05/05/03
Freliga, Mary E	11/25/02-11/2004	12/02/02
Hashmi, Amin	08/22/02-08/2004	
Huber, Laurie G	09/22/00-06/18/01-05/2003	09/22/00/7/09/01
Musick, Marilyn K	12/01/03-12/2005	12/15/01
Pietron, Dorothy Ann	07/10/01-07/2003	07/23/01
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shier, Frank	02/18/03-02/2005	03/03/03
Wells, Alexandra	08/22/02-08/2004	09/09/02

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

Yes:

No:

F-2 Closed Session – None Requested

F-3 Approval of Contract with MDOT for Phase I of the Travel Demand Management (TDM) Program – Project No. 02.105.5

Suggested Resolution

Resolution #2004-01-

Moved by

Seconded by

RESOLVED, That the Agreement between the City of Troy and the Michigan Department of Transportation for Phase I of the Travel Demand Management (TDM) Program, Project No. 02.105.5, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be attached to the original Minutes of this meeting.

Yes:

No:

F-4 Appointment of Historic District Study Committee

Suggested Resolution

Resolution #2004-01-

Moved by

Seconded by

RESOLVED, That the appointment by City Council of the Historic District Study Committee be **ADVANCED** to the February 16, 2004 Troy City Council Meeting.

Yes:

No:

COUNCIL COMMENTS/COUNCIL REFERRALS

Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda: No items advanced.

COUNCIL REFERRALS

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

- (a) Youth Council/Final – November 12, 2003
 - (b) Library Board /Final – November 13, 2003
 - (c) Civic Center Priority Task Force – December 10, 2003
 - (d) Library Board/Draft - December 11, 2003
-

G-2 Department Reports:

- (a) Permits Issued July Through December 2003
 - (b) Permits Issued During the Month of December
 - (c) Permits Issued During the Year 2003
-

G-3 Announcement of Public Hearings:

- (a) Request for Commercial Vehicle Appeal – 1839 E. Wattles Road – **Scheduled for January 26, 2004**
-

G-4 Green Memorandums:

- (a) Community Center Recreation Pass Fees
-

Note: Resubmittal of memorandum regarding Community Center recreation pass fees along with updates regarding annual fees, and endorsement by the Parks and Recreation Advisory Board. Fee increases will take effect on February 2, 2004 for new pass holders and March 1, 2004 for current pass holders.

G-5 Proposed Proclamations/Resolutions from Other Organizations:

G-6 Calendar

G-7 Letters of Appreciation:

- (a) Letter from Keith Kleckner – Acting Director, Cranbrook Institute of Science and John P. McCulloch – Oakland County Drain Commissioner, to Jennifer Lawson Thanking Her for Volunteering at the 2003 Rouge River Water Festival at Cranbrook Institute of Science
-

G-8 Memorandum, Re: Sauger v. Troy, Et Al

G-9 Memorandum, Re: Joint Committee

PUBLIC COMMENT

Public Comment is limited to people who have not addressed Council during the 1st Public Comment section (Rules of Procedure for the City Council, Article 5 (15), as amended May 6, 2002).

STUDY ITEMS

It is City Management's recommendation to recess the Regular meeting at this time and to immediately reconvene it in the Council Board Room to provide for a study environment. Additionally, it would be recommended that the Mayor request the City Clerk to post notice that the City Council meeting has been relocated to the Council Board Room.

H-1 Development of Mission Statement Governing Cultural Displays on City Property that Represent Positive Community Values

Respectfully submitted,

John Szerlag, City Manager

A Regular Meeting of the Troy City Council was held Monday, January 5, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:40 P.M.

The Invocation was given by Mayor Pro Tem Lambert and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Matt Pryor
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

PRESENTATIONS: No presentations scheduled.

PUBLIC HEARINGS: No public hearings scheduled.

PUBLIC COMMENT:

A. Items on the Current Agenda

F-5 Zoning Ordinance Text Amendment (ZOTA-180) – Articles 40.57.05, 40.57.06 – Height Limits for Amateur Radio Antennas

Resolution #2004-01-
Moved by Pryor
Seconded by Eisenbacher

RESOLVED, That the proposed Zoning Ordinance Text Amendments for Article XL GENERAL PROVISIONS be **AMENDED**, as recommended by City Management and further **AMENDED** by **STRIKING** the following text in Section 40.57.06 “Ground mounted” in the second sentence; **STRIKING** “pole, mast” in the third sentence, and **STRIKING** the fourth sentence in its entirety as follows: “Pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof.”, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Vote on Amendment

Resolution #2004-01-001
Moved by Pryor
Seconded by Beltramini

RESOLVED, That the proposed Zoning Ordinance Text Amendments for Article XL GENERAL PROVISIONS, Section 40.57.06 be **AMENDED** by **REINSERTING** the following text, "Pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof." and further **AMENDED** by **INSERTING** "Other" in the third sentence as follows: "Other Ppole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof."

Yes: Pryor, Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert
No: Stine

MOTION CARRIED

Vote on Amendment

Resolution #2004-01-002
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That the proposed Zoning Ordinance Text Amendments for Article XL GENERAL PROVISIONS, Section 40.57.06 be **AMENDED** by **STRIKING** "six (6) foot" and "as provided in Section 40.57.05" in the fifth sentence.

Yes: Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert, Pryor
No: Stine

MOTION CARRIED

Vote on Amended Resolution

Resolution #2004-01-003
Moved by Pryor
Seconded by Eisenbacher

RESOLVED, That the proposed Zoning Ordinance Text Amendments for Article XL GENERAL PROVISIONS be **AMENDED**, as recommended by City Management and further **AMENDED** by **STRIKING** the following text in Section 40.57.06 "Ground mounted" in the second sentence; **INSERTING**, "Other" in the third sentence as follows: "Other Ppole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof." and **STRIKING**, "six (6) foot" and "as provided in Section 40.57.05" in the fifth sentence, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Broomfield, Eisenbacher, Howrylak, Pryor, Beltramini
No: Lambert, Stine

MOTION CARRIED

G-10 Memorandum, Re: Brochure Explaining Ballot Issue Relative to Conference Center/Hotel Facilities

F-6 City Owned Surplus Parcels – No action taken

F-7 Election Consolidation Legislation –Charter Amendments for April 5th 2004 Election

Resolution #2004-01-
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That Troy City Council **APPROVES** as to form the following proposed Charter amendments for the April 5th 2004 election:

1. Shall Section 3.4 of the Troy Charter be amended to modify the implementation of the new State legislation mandating four- year terms, effective with the 2005 election cycle, to allow for the continuation of staggering terms through the election of the Mayor and Council Members according to the following odd year November election schedule:

2005 Council Member- Four-Year Term Expiring 2009, Elect Two
2007 Mayor- Four-Year Term Expiring 2011, Elect One
2007 Council Member- Four-Year Term Expiring 2011, Elect Three
2007 Council Member- Two-Year Partial Term Expiring 2009, Elect One
2. Shall Section 7.9 of the Troy Charter, which requires “nomination petitions for candidates for regular City elections to be filed with the Clerk on or before 4 o'clock pm of the twenty-eighth (28) day preceding the third Monday of February of each year”, be replaced with “nomination petitions for candidates for regular City elections are to be filed with the Clerk on or before 4 o'clock pm of the one hundredth (100th) day preceding the City election for each election year”?
3. Shall Section 5.11 of the Troy Charter, which sets forth the requirements for citizens to effectuate changes to the City of Troy ordinances through an initiatory or referendary process, be amended to reduce the number of signatures from “at least ten percent of the registered electors of the City”, to “at least 2,000 signatures of the registered electors of the City”?
4. Shall Section 5.11 of the Troy Charter, which sets forth the requirements for citizens to effectuate changes to the City of Troy ordinances through an initiatory or referendary process, be amended to increase the time period to gather signatures from “twenty-one” days prior to the filing of the petition to “ninety days prior to the filing of the petition”?
5. Shall Section 7.5.5 of the Troy Charter, which discusses term limits, be amended to delete “Any portion of a term served shall constitute one full term”? and insert “Any service greater than two years plus one month constitute a term”?

6. Shall Section 12.1 of the Charter, which currently requires **sealed** bids to be obtained for all sales and purchases in excess of ten thousand dollars, be replaced with the requirement to obtain competitive bids through a traditional sealed bid procedure or alternative means, including but not limited to, electronic submission or reverse auction methods, providing the method used preserves the integrity of the competitive bid process?
7. Shall Section 3.8.5 of the Troy Charter be repealed to eliminate the requirement for the Mayor to send an annual proclamation to the U.S. Congress encouraging them to use their best efforts to amend the Constitution to require term limits on the U.S. Congress?

Vote on Amendment

Resolution #2004-01-004

Moved by Lambert

Seconded by Eisenbacher

RESOLVED, That the Resolution for Troy City Council to **APPROVE** as to form Charter amendments for the April 5th 2004 election be **AMENDED** by **STRIKING**, "7. Shall Section 3.8.5 of the Troy Charter be repealed to eliminate the requirement for the Mayor to send an annual proclamation to the U.S. Congress encouraging them to use their best efforts to amend the Constitution to require term limits on the U.S. Congress?"

Yes: Eisenbacher, Lambert

No: Howrylak, Stine, Pryor, Beltramini, Broomfield

MOTION FAILED

Vote on Resolution

Resolution #2004-01-005

Moved by Eisenbacher

Seconded by Howrylak

RESOLVED, That Troy City Council **APPROVES** as to form the following proposed Charter amendments for the April 5th 2004 election:

1. Shall Section 3.4 of the Troy Charter be amended to modify the implementation of the new State legislation mandating four- year terms, effective with the 2005 election cycle, to allow for the continuation of staggering terms through the election of the Mayor and Council Members according to the following odd year November election schedule:

2005 Council Member- Four-Year Term Expiring 2009, Elect Two

2007 Mayor- Four-Year Term Expiring 2011, Elect One

2007 Council Member- Four-Year Term Expiring 2011, Elect Three

2007 Council Member- Two-Year Partial Term Expiring 2009, Elect One

2. Shall Section 7.9 of the Troy Charter, which requires "nomination petitions for candidates for regular City elections to be filed with the Clerk on or before 4 o'clock pm of the twenty-eighth

(28) day preceding the third Monday of February of each year”, be replaced with “nomination petitions for candidates for regular City elections are to be filed with the Clerk on or before 4 o’clock pm of the one hundredth (100th) day preceding the City election for each election year”?

3. Shall Section 5.11 of the Troy Charter, which sets forth the requirements for citizens to effectuate changes to the City of Troy ordinances through an initiatory or referendary process, be amended to reduce the number of signatures from “at least ten percent of the registered electors of the City”, to “at least 2,000 signatures of the registered electors of the City”?
4. Shall Section 5.11 of the Troy Charter, which sets forth the requirements for citizens to effectuate changes to the City of Troy ordinances through an initiatory or referendary process, be amended to increase the time period to gather signatures from “twenty-one” days prior to the filing of the petition to “ninety days prior to the filing of the petition”?
5. Shall Section 7.5.5 of the Troy Charter, which discusses term limits, be amended to delete “Any portion of a term served shall constitute one full term”? and insert “Any service greater than two years plus one month constitute a term”?
6. Shall Section 12.1 of the Charter, which currently requires sealed bids to be obtained for all sales and purchases in excess of ten thousand dollars, be replaced with the requirement to obtain competitive bids through a traditional sealed bid procedure or alternative means, including but not limited to, electronic submission or reverse auction methods, providing the method used preserves the integrity of the competitive bid process?
7. Shall Section 3.8.5 of the Troy Charter be repealed to eliminate the requirement for the Mayor to send an annual proclamation to the U.S. Congress encouraging them to use their best efforts to amend the Constitution to require term limits on the U.S. Congress?

Yes: All-7

G-10 Memorandum, Re: Brochure Explaining Ballot Issue Relative to Conference Center/Hotel Facilities

Noted and Filed

B. Items Not on the Current Agenda

Recess 9:25 PM – 9:44 PM

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2004-01-006-E-01

Moved by Eisenbacher

Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: All-7

E-2 Minutes: Regular Meeting of December 15, 2003

Resolution #2004-01-006-E-02

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of December 15, 2003, be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations: No proclamations presented.

E-4 Standard Purchasing Resolution 1: Award to Low Bidder – Contract No. 03-7 – Dashwood, Minnesota to Dequindre – Storm Sewer

Resolution #2004-01-006-E-04

RESOLVED, That Contract No. 03-7, Dashwood Storm Sewer, Minnesota to Dequindre be **AWARDED** to ADJ Excavating, Inc., 47301 Feathered Court – Shelby Township, Michigan 48315 at an estimated total cost of \$613,449.87; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements and if additional work is required such additional work is authorized in an amount not to exceed 10% of the total project cost.

E-5 Standard Purchasing Resolution 4: Tri-County Purchasing Cooperative Contract – Gasoline and Diesel Fuel

Resolution #2004-01-006-E-05

RESOLVED, That two-year cooperative contracts with an option to renew for two additional years for gasoline and diesel fuel from Mansfield Oil Company and Atlas Oil Company are hereby **APPROVED** through the City of Sterling Heights bid process and extended to the Tri-County Purchasing Cooperative at factors contained in the bid tabulation opened November 18, 2003, expiring on January 31, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Standard Purchasing Resolution 1: Award to Low Bidder – Duct Cleaning of the Police Gun Range Ventilation System

Resolution #2004-01-006-E-06

RESOLVED, That a contract to provide the duct cleaning of the Police gun range ventilation system is hereby **AWARDED** to the low bidder, Sani-Vac Service, Inc., for an estimated total cost of \$13,000.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements; and if additional work is required that could not be foreseen, such additional work is authorized in an amount not to exceed 10% of the total project cost.

E-7 Revised Final Site Condominium Approval – Shady Creek South Site Condominium, North of Long Lake Road and West of Rochester Road – Section 10 – R-1B

Resolution #2004-01-006-E-07

RESOLVED, That the Revised Final Site Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Shady Creek South Site Condominium as recommended for approval by City Management, located north of Long Lake Road and west of Rochester Road, Section 10, including 56 home sites, within the R-1B Zoning District, being 3.02 acres in size, is hereby **APPROVED**.

E-8 Approval of Subdivision Entrance Sign/Agreement – Sylvan Glen Subdivision

Resolution #2004-01-006-E-08

RESOLVED, That the sign application submitted by the Sylvan Glen Homeowners Association for the placement of a sign in the median of the intersection of Berwyck Drive and Long Lake Road is hereby **APPROVED** as to the design and materials proposed; and

BE IT FURTHER RESOLVED, That the agreement regarding the maintenance and liability coverage for the sign is also **APPROVED** and authorization is hereby **GRANTED** to the Mayor and City Clerk to sign the agreement on behalf of the City of Troy.

E-9 Request for Acceptance of (1) Permanent Water Main Easement, Permanent Sanitary Sewer Easement and a Private Road Agreement – Fountain Park Troy, L.L.C. – Sidwell #88-20-14-351-002, 003 and 004

Resolution #2004-01-006-E-09

RESOLVED, That the Permanent Easement for water main, sanitary sewer and Private Road Agreement all being part of the Fountain Park Troy Condominium Development are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the Mayor is **AUTHORIZED** to sign the Private Road Agreement on behalf of the City; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

REGULAR BUSINESS

F-1 **Appointments to Boards and Committees: (a) Mayoral Appointments: (1) Board of Review and (2) Economic Development Corporation; and (3) Planning Commission & (b) City Council Appointments: (1) Advisory Committee for Persons with Disabilities; (2) Election Commission; (3) Ethnic Community Issues Advisory Committee; (4) Traffic Committee and (5) Troy Daze**

(a) Mayoral Appointments

Resolution #2004-01-007
Moved by Pryor Eisenbacher
Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE MAYOR** with **COUNCIL APPROVAL** to serve on the Boards and Committees as indicated:

Board of Review

Mayor, Council Approval (3) – 3 years

James Hatch

Term expires 01-31-2007

Yes: All-7

(b) City Council Appointments

1. Appointment to the Ethnic Community Issues Advisory Committee

Resolution #2004-01-008
Moved by Lambert
Seconded by Pryor

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

Ethnic Community Issues Advisory Committee

Appointed by Council (9) – 3 years

Yul Woong (Jeff) Hyun

Unexpired Term expires 09-30-05

Yes: All-7

2. Appointment to the Traffic Committee

Resolution #2004-01-009

Moved by Lambert

Seconded by Pryor

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

Traffic Committee**Appointed by Council (7) – 3 years**

Richard D. Minnick II

Term expires 1-31-2006

Yes: Broomfield, Eisenbacher, Howrylak, Lambert, Stine, Pryor

No: Beltramini

MOTION CARRIED**Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting
Agenda Scheduled for January 12, 2004:**

(a) Mayoral Appointments

Planning Commission**Mayor, Council Approval (9) – 3 years**Walter Storrs- Seeks reappointment**Term expires 12-31-2006**

(b) City Council Appointments

Advisory Committee for Persons with Disabilities**Appointed by Council (9 Regular, 3 Alternates) – 3 years**

Term expires 11-01-2006 (Alternate)

Term expires 07-01-2004 (Student)**Election Commission****Appointed by Council (3) – 1 year**

Term expires 01-31-2004

Term expires 01-31-2004

Troy Daze**Appointed by Council (9) – 3 years**

Term expires 11-30-2004

Term expires 07-01-2003 Student

F-2 Closed Session

Resolution #2004-01-010

Moved by Stine

Seconded by Lambert

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e); City of Troy v. Obertynski; City of Troy v. 2100 E. Maple Road; City of Troy v. 1501 Halo; and City of Troy v. 1495 Mapleway, after adjournment of this meeting.

Yes: All-7

F-3 Allocation of Tri-Party Program Funds to Crooks Road Reconstruction, Square Lake to South Boulevard

Resolution #2004-01-011

Moved by Eisenbacher

Seconded by Stine

RESOLVED, That the City of Troy allotment for the 2004 Tri-Party Program is \$406,638.00 and that the City's share is \$135,546.00, and that these funds, along with the City of Troy's reserved FY 2002 and FY 2003 Tri-Party Program funds in the amounts of \$485,738.00 and \$351,726.00 respectively, with the City's share being \$279,155.00, **BE USED**, as required, for the Crooks Road, Square Lake to South Boulevard construction phase; and

BE IT FURTHER RESOLVED, That the unused 2004 Tri-Party Program funds **BE RESERVED** for projects that may occur during the year that Tri-Party funds qualify for use and are approved by City Council.

Yes: All-7

F-4 Confirmation of Appointment; Mrs. Sandra L. Kasperek as City Treasurer

Resolution #2004-01-012

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That the appointment by the City Manager of Sandra L. Kasperek as City Treasurer of the City of Troy is hereby **CONFIRMED**.

Yes: All-7

COUNCIL COMMENTS/COUNCIL REFERRALS

Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda: No items submitted

COUNCIL REFERRALS

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

- (a) Election Commission/Final – February 19, 2003
- (b) Personnel Board/Final – June 9, 2003
- (c) Brownfield Redevelopment Authority/Final – June 11, 2003
- (d) Planning Commission Joint Meeting/Final – October 28, 2003
- (e) Ethnic Issues Advisory Board/Final – November 4, 2003
- (f) Advisory Committee for Persons with Disabilities/Draft – November 5, 2003
- (g) Advisory Committee for Persons with Disabilities/Final – November 5, 2003
- (h) Advisory Committee for Senior Citizens/Final – November 6, 2003
- (i) Employees Retirement System Board of Trustees/Final – November 12, 2003
- (j) Downtown Development Authority/Final – November 19, 2003
- (k) Troy Daze/Draft – November 25, 2003
- (l) Planning Commission Special Study/Draft – December 2, 2003
- (m) Building Code Board of Appeals/Draft – December 3, 2003
- (n) Advisory Committee for Senior Citizens/Final – December 4, 2003
- (o) Ethnic Issues Advisory Board/Draft – December 9, 2003
- (p) Planning Commission/Draft – December 9, 2003
- (q) Employees' Retirement System Board of Trustees/Draft – December 10, 2003
- (r) Library Board/Draft – December 11, 2003

Noted and Filed

G-2 Department Reports:

- (a) 2003 Financial Summary - ***Hard copy available for viewing at the City Clerk's Office and Library***

Noted and Filed

G-3 Announcement of Public Hearings:

- (a) Rezoning Application (Z-597) – South Side of Long Lake Road – West of Rochester Road – Section 15 – R-1T to B-2 – **Scheduled for January 26, 2004**

Noted and Filed

G-4 Green Memorandums:

- (a) Community Center Recreation Pass Fees
Noted and Filed
-

G-5 Proposed Proclamations/Resolutions from Other Organizations: None submitted

G-6 Calendar

Noted and Filed

G-7 Letters of Appreciation:

- (a) Thank You Letter from the Hazel Park Police Department to Troy Police Officers Lt. Pappas, Sgt. Herpel, Sgt. Zielinski, Officer Hill, Officer Neubauer, Officer Quaiatto and Officer Meizinger
- (b) Letter of Appreciation to Beverly J. Sackner Regarding Conference Room Usage by DCI Marking for their Holiday Party
- (c) Letter of Appreciation to Chief Craft from James Snapp Thanking for the Police Department's Assistance in Completing the Requirements for His Field Project Class at Oakland Community College
- (d) Letter of Appreciation to Officer Russell Barrows from Jerry and Sue Pavlat Thanking Him for the Concern and Assistance Regarding the Death of Their Son
- (e) Letter of Appreciation from James Snapp to Officer Brian LaForest Thanking Him for His Assistance in Completing His Requirements for His Field Project Class at Oakland Community College
- (f) Letter of Appreciation from Ruth Frushour – Baker Middle School Thanking Officer Nicolette Kaptur for Speaking to Her Health Class Students About Drug Prevention and Consequences
- (g) Letter of Appreciation from Kevin M. Sagan – Chief of Police, Madison Heights – Thanking Officers Ed Klute, Russ Barrows, Mark Cole and Paul Bednard for Participating with Their K-9's in the "Narcotics Sweep" of Madison District Schools
- (h) E-mail to Mayor Pryor Thanking Officers Russell Barrows, Kirk Linton, Mark Livingston and Scott Salter for the Service and Dedication They Displayed in the Rescue of a Woman and Her Dog that Fell Into Sylvan Glen Lake
- (i) Letter of Appreciation from W. David Tull – Chairman, Crestmark Bank Thanking Officer Jay Reynolds for the Excellent Presentation on Fraud Given at the Winter Michigan Bankers Association Conference

Noted and Filed

G-8 Memorandum, Re: Letter from City Manager Szerlag to Don Jakeway, Director of Michigan Economic Development Corporation Civic Center/Conference Center Economic Feasibility

Noted and Filed

G-9 Travel Expense Report, Re: David Lambert – National League of Cities Meeting – Nashville, TN

Noted and Filed

PUBLIC COMMENT

The meeting **RECESSED** at 10:21 P.M.

STUDY ITEMS

H-1 IT Updates – Hansen Information Technology and Geographic Information Systems (GIS)

The meeting **ADJOURNED** at 11:50 P.M.

Matt Pryor, Mayor

Barbara A. Holmes, CMC – Deputy City Clerk

A Regular Meeting of the Troy City Council was held Wednesday, January 7, 2004, at City Hall, 500 W. Big Beaver Road. Councilman Howrylak called the Meeting to order at 8:07 P.M.

ROLL CALL

PRESENT: Mayor Matt Pryor (Arrived 8:08 P.M.)
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert (Arrived 8:10 P.M.)
Jeanne M. Stine

1. Power Point Presentation Relative to Objectives for 2004

City Manager John Szerlag reviewed the 2004-06 Objectives with City Council.

2. Feasibility of City-Owned Religious/Historical Displays on Civic Center Property

City Attorney, Lori Grigg Bluhm, reviewed with City Council the U.S. Supreme Court ruling in *Lemon v. Kurtzman* and other cases as to the legality of religious displays on City owned property. After much debate the consensus of City Council was to designate an area for public displays on the Civic Center site. City Council will adopt a mission statement at the January 12, 2004 City Council meeting and will then forward it to the Parks and Recreation Board, Ethnic Issues Advisory Board, and the Civic Center Priority Task Force Committee for their input.

PUBLIC COMMENT

Several members of the audience addressed the issue of religious/historical displays on Civic Center property.

The meeting adjourned at 11:07 P.M.

Matt Pryor, Mayor

John M. Lamerato – Assistant City Manager/
Finance and Administration

F-5 Final Site Condominium Review – Rhode Island Estates Site Condominium – North Side of Big Beaver, East of John R – Section 24 – R-1E

Resolution #2003-12-629

Moved by Beltramini

Seconded by Lambert

RESOLVED, That the Final Site Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of One-Family Residential Site Condominium, known as Rhode Island Estates Site Condominium, 19 units proposed, located on the north side of Big Beaver, east and west of Rhode Island, Section 24, within the R-1E Zoning District, be **APPROVED** as recommended by City Management.

Yes: All-7

F-3 (a) Civic Center Land Sales Ballot Proposal; (b) Charter Revision Ballot Proposals

(a) Civic Center Land Sales Ballot Proposal

Resolution #2003-12-630

Moved by Beltramini

Seconded by Stine

RESOLVED, That Troy City Council **APPROVES** as to form the following **proposed Charter amendment Ballot proposition** for the April 5th 2004 election:

Shall the City of Troy, Michigan, be authorized to convey seven acres of the Troy Civic Center site for the development of conference/hotel facilities?

Yes: Eisenbacher, Stine, Pryor, Beltramini, Broomfield

No: Howrylak, Lambert

MOTION CARRIED

(b) Charter Revision Ballot Proposal – No Council action taken at this time

COUNCIL COMMENTS/COUNCIL REFERRALS

Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda:

2) Council Member Broomfield Would Like to Discuss the Feasibility of City-Owned Religious/Historical Displays on Civic Center Property

Resolution #2003-12-631

Moved by Broomfield

Seconded by Stine

E-6 Standard Purchasing Resolution 1: Award to Low Bidder – Duct Cleaning of the Police Gun Range Ventilation System

Resolution #2004-01-006-E-06

RESOLVED, That a contract to provide the duct cleaning of the Police gun range ventilation system is hereby **AWARDED** to the low bidder, Sani-Vac Service, Inc., for an estimated total cost of \$13,000.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements; and if additional work is required that could not be foreseen, such additional work is authorized in an amount not to exceed 10% of the total project cost.

E-7 Revised Final Site Condominium Approval – Shady Creek South Site Condominium, North of Long Lake Road and West of Rochester Road – Section 10 – R-1B

Resolution #2004-01-006-E-07

RESOLVED, That the Revised Final Site Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Shady Creek South Site Condominium as recommended for approval by City Management, located north of Long Lake Road and west of Rochester Road, Section 10, including 56 5 home sites, within the R-1B Zoning District, being 3.02 acres in size, is hereby **APPROVED**.

E-8 Approval of Subdivision Entrance Sign/Agreement – Sylvan Glen Subdivision

Resolution #2004-01-006-E-08

RESOLVED, That the sign application submitted by the Sylvan Glen Homeowners Association for the placement of a sign in the median of the intersection of Berwyck Drive and Long Lake Road is hereby **APPROVED** as to the design and materials proposed; and

BE IT FURTHER RESOLVED, That the agreement regarding the maintenance and liability coverage for the sign is also **APPROVED** and authorization is hereby **GRANTED** to the Mayor and City Clerk to sign the agreement on behalf of the City of Troy.

E-9 Request for Acceptance of (1) Permanent Water Main Easement, Permanent Sanitary Sewer Easement and a Private Road Agreement – Fountain Park Troy, L.L.C. – Sidwell #88-20-14-351-002, 003 and 004

Resolution #2004-01-006-E-09

January 5, 2004

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer

SUBJECT: Private Agreement for Plumbing Industry Training Center
Project No. 03.924.3

The Engineering Department has reviewed and approved plans for this project, which includes water main, storm sewer and paving.

The Owner has provided a check for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

G:\Projects\Projects - 03.924.3\Private Agreement Cover Letter.doc

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director

Prepared by: Gary Streight, P.E.
Civil Engineer

Enclosed Private Agreement, Detailed Summary, Sketch

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 03.924.3

PROJECT LOCATION:

1911 Ring Drive

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and Metropolitan Detroit Plumbing Industry Training Trust Fund whose address is 25800 Northwestern Hwy, Ste 1000, Southfield, MI 48037 and whose telephone number is (248)746-0700 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of water main, storm sewer and paving in accordance with plans prepared by Ghafari Associates whose address is 17101 Michigan Ave., Dearborn, MI 48126 and whose telephone number is (313)441-3000, and approved prior to construction by the City specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of \$19,515.00. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

Cash	<input type="checkbox"/>
Certificate of Deposit	<input type="checkbox"/>
Irrevocable Bank Letter of Credit	<input type="checkbox"/>
Check	<input checked="" type="checkbox"/>
Performance Bond	<input type="checkbox"/>

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee (Public Improvements)	\$	1,580.72
Engineering Review Fee (Private Improvements)	\$	5,015.68
Water Main Testing Fee	\$	650.00
Street Cleaning/Road Maintenance (Refundable)	\$	5,000.00
TOTAL:	\$	\$12,246.40

* 8.1% (.081) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 03.924.3

PROJECT LOCATION:

1911 Ring Drive

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of **\$ 31,761.40** for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 03.924.3

PROJECT LOCATION:

1911 Ring Drive

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

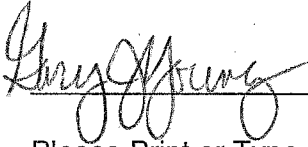
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this _____ day of _____, 20_____.

OWNERS

CITY OF TROY

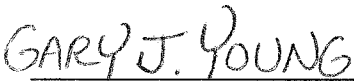
By:

By:



Please Print or Type

Matt Pryor, Mayor



Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this _____ day of _____, A.D.20_____, before me personally appeared _____ known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: _____

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR PLUMBING INDUSTRY TRAINING CENTER
PROJECT NO. 03.924.3

The estimated costs of public improvements for the above mentioned project are as follows:

Escrow Deposits:

water main	8,000.00
paving	8,000.00
storm sewer	3,515.00

Total Escrow Deposits: (check)

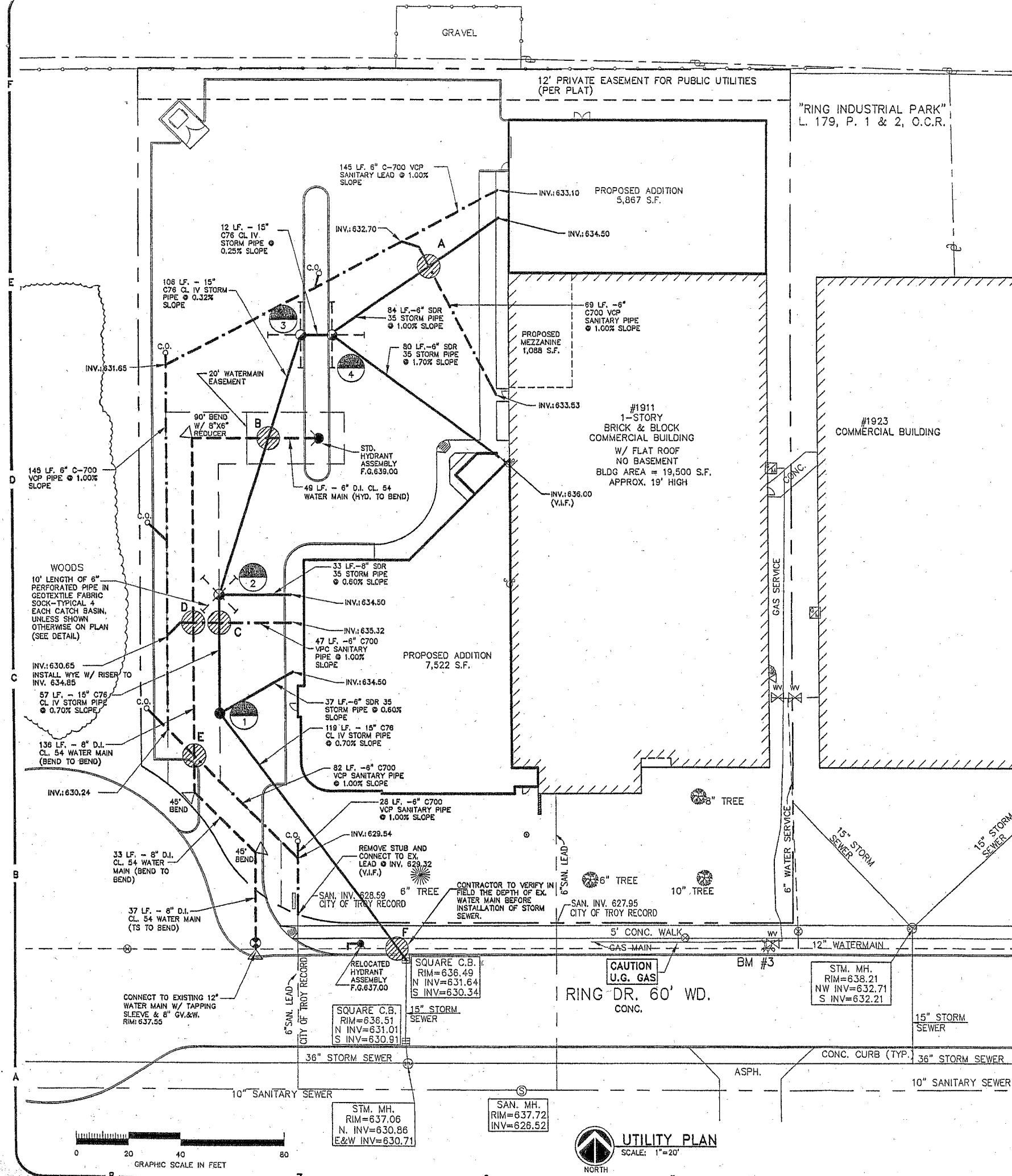
\$ 19,515.00

Cash Fees:

Review & Inspection	\$6,596.40
Water Main Testing Fee	650.00
Street Cleaning/Road Maintenance	<u>5,000.00</u>

Total Cash Fees: (check)

\$ 12,246.40



- STORM SEWER NOTES**
- 1- ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF TROY.
 - 2- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE EXISTENCE AND LOCATION OF ALL UNDERGROUND UTILITIES.
 - 3- ALL SEWER TRENCHES UNDER OR WITHIN THREE (3) FEET OF THE FORTY-FIVE (45) DEGREE ZONE OF INFLUENCE LINE OF EXISTING OR PROPOSED PAVEMENT, SIDEWALK OR DRIVE APPROACH SHALL BE BACKFILLED WITH SAND COMPACTED TO AT LEAST NINETY-FIVE (95) PERCENT OF MAXIMUM UNIT WEIGHT.
 - 4- ALL STORM SEWER SHALL BE INSTALLED ON CLASS 3" BEDDING OR BETTER.
 - 5- JOINTS FOR STORM SEWER SHALL BE TONGUE AND GROOVE JOINTS WITH RUBBER GASKETS UNLESS SPECIFIED OTHERWISE.
 - 6- WHENEVER EXISTING MANHOLES OR SEWER PIPE ARE TO BE TAPPED, DRILL HOLES 4" CENTER TO CENTER, AROUND THE PERIPHERY OF OPENINGS TO CREATE A PLAN OF WEAKNESS JOINT BEFORE BREAKING SECTION OUT.
- WATER MAIN NOTES**
- 1- WATERMAIN PIPE SHALL BE DUCTILE IRON AND CONFORM TO A.N.S.I./A.W.W.A. SPECIFICATION C151/A21.51, CLASS 54, DUCTILE IRON FITTINGS SHALL CONFORM TO A.N.S.I./A.W.W.A. SPECIFICATION C110/A21.10 FOR STANDARD FITTINGS OR TO A.N.S.I./A.W.W.A. SPECIFICATION C153/A21.53 FOR COMPACT FITTINGS. DUCTILE IRON PIPE AND FITTINGS SHALL HAVE A DOUBLE THICKNESS CEMENT MORTAR LINING CONFORMING TO A.N.S.I. SPECIFICATION A21.4.
 - 2- JOINTS FOR DUCTILE IRON WATER SHALL BE U.S. PIPE AND FOUNDRY COMPANY "TYTON JOINT" OR APPROVED EQUAL.
 - 3- ALL WATER MAIN SHALL BE INSTALLED WITH A MINIMUM COVER OF SIX (6) FEET BELOW FINISH GRADE. WHEN WATER MAINS MUST DIP TO PASS UNDER A STORM SEWER OR SANITARY SEWER, THE SECTIONS WHICH ARE DEEPER THAN NORMAL SHALL BE KEPT TO A MINIMUM LENGTH BY THE USE OF VERTICAL (11 1/4) DEGREE BENDS, PROPERLY ANCHORED.
 - 4- ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF TROY.
 - 5- ALL TRENCHES UNDER OR WITHIN THREE (3) FEET OF THE (45) DEGREE LINE OF INFLUENCE OF EXISTING OR PROPOSED PAVEMENT, SIDEWALK OR DRIVE APPROACH SHALL BE BACKFILLED WITH SAND COMPACTED TO (95%) OF MAXIMUM UNIT WEIGHT.
 - 6- CITY OF TROY STANDARD VALVE IS D.M.W.D., LEFT HAND OPEN.
 - 7- HYDRANTS SHALL BE E.J.I.W. 5 BR TRAFFIC TYPE OR MUELLER, CENTURION WITH TWO-FOUR (4) INCH PUMPER NOZZLES. HYDRANT BURY SHALL BE SIX (6) FEET.
 - 8- CITY OF TROY WATER DEPARTMENT WILL, FLUSH, DISINFECT AND PRESSURE TEST ALL NEW WATER MAIN CONSTRUCTION.
 - 9- BEFORE ANY WATER MAIN WILL BE ACCEPTED BY THE CITY, IT MUST PASS A PRESSURE TEST COMPLYING WITH THE CURRENT SPECIFICATIONS AND PROCEDURES OF THE CITY AND THE DETROIT METROPOLITAN WATER DEPARTMENT.
 - 10- BEFORE ANY WATER MAIN SYSTEM WILL BE ACCEPTED BY THE CITY, THE FIRE HYDRANTS MUST BE BRUSH COATED WITH RUST-OLEUM NO. 1210 FIRE HYDRANT RED PAINT OR APPROVED EQUAL.
 - 11- ALL DUCTILE IRON PIPE SHALL BE ENCASED IN POLYETHYLENE FILM CONFORMING TO A.N.S.I./A.W.W.A. SPECIFICATION A21.5/C-105.
 - 12- TWO (2) INCH DIAMETER CORPORATION STOPS SHALL BE PROVIDED IN BOTH THE EXISTING WATER MAIN AND THE NEW WATER MAIN AT ALL NEW CONNECTIONS.
 - 13- GATE WELL COVERS SHALL BE E.J.I.W. NO. 1040 OR APPROVED EQUAL, WHERE GATE WELLS ARE LOCATED WITHIN PAVEMENT GREATER THAN SEVEN INCHES THICK, THE GATE WELL COVER SHALL BE E.J.I.W. NO. 1050 OR APPROVED EQUAL.
 - 14- ALL NINETY (90) DEGREE BENDS SHALL BE "LONG RADIUS".
- LEGEND**
- EX. BOUNDARY LINE
 - EX. EASEMENT LINE
 - EX. LOT LINE
 - EX. BUILDING LINE
 - EX. CURB LINE
 - EX. EDGE OF TREES LINE
 - EX. FENCE
 - EX. GAS LINE
 - EX. OVERHEAD LINE
 - EX. SANITARY SEWER
 - EX. STORM SEWER
 - EX. WATER LINE
 - EX. CLEAN OUT
 - EX. FIRE HYDRANT
 - EX. GAS VALVE
 - EX. GATE VALVE & WELL
 - EX. GAS METER
 - EX. ROUND CATCH BASIN
 - EX. SANITARY MANHOLE
 - EX. SQUARE CATCH BASIN
 - EX. STORM MANHOLE
 - EX. TREES
 - EX. UTILITY POLE
 - EX. WATER VALVE
 - PR. STORM SEWER
 - PR. MANHOLE
 - PR. CATCH BASIN
 - PR. SANITARY SEWER
 - PR. CLEANOUT
 - PR. WATERMAIN
 - PR. GV. & WELL
 - PR. STORM STRUCTURE
 - PR. FIRE HYDRANT

- CROSSINGS**
- A 6" STM B/P 634.07
6" SAN T/P 633.77
INSTALL CONC. CRADLE BETWEEN THE TWO PIPES
- B 15" STM B/P 633.20
6" WM T/P 631.70
- C 15" STM T/P 634.46
6" SAN B/P 634.85
INSTALL CONC. CRADLE BETWEEN THE TWO PIPES
- D 6" SAN B/P 634.85
8" WM T/P 632.18
- E 6" SAN T/P 629.14
8" WM B/P 631.88
- F 15" STM B/P 631.60
EX. 12" WM T/P 630.88± (V.I.F.)
INSTALL CONCRETE CRADLE IF THE CLEARANCE BETWEEN THE TWO PIPES IS LESS THAN 18"

FOR STORM SEWER PROFILE & CALCULATION SEE SHEET C2.50

STORM SEWER SCHEDULE					
STRU. NO.	STRUCTURE INFORMATION	STRUCTURE COVER INFORMATION	RIM ELEV.	PIPE INVERT ELEVATIONS	
CB 4	4' DIA CATCH BASIN W/ 2' SUMP	E.J.I.W. # 5105 TYPE, M2 SINUSOIDAL GRATE	637.85	15" W. 633.65	6"NE. 633.65 6"SE. 634.64
CB 3	4' DIA CATCH BASIN W/ 2' SUMP	E.J.I.W. # 5105 TYPE, M2 SINUSOIDAL GRATE	637.85	15" E. 633.62	15" SW. 633.52
CB 2	4' DIA CATCH BASIN W/ 2' SUMP	E.J.I.W. # 5105 TYPE, M2 SINUSOIDAL GRATE	637.80	15" NE. 633.18	18" S. 633.08 8"E. 634.17
MH 1	4' DIA MANHOLE	E.J.I.W. # 1000 TYPE, B	638.20	15" N. 632.68	15" SE. 632.58 6"NE. 634.13
EX. CB	EXISTING CATCH BASIN	EXISTING CATCH BASIN	636.79	15" NW. 631.75	EX. 15" S. 630.34

WATERMAIN QUANTITIES

DESCRIPTION	QTY.	UNIT
8" DUCTILE IRON WATERMAIN	206	L.F.
6" DUCTILE IRON WATERMAIN	49	L.F.
STANDARD HYDRANT ASSEMBLY	1	EA.
TAPPING SLEEVE W/ 8" GV.&W.	1	EA.

NOTE:
CONTRACTOR SHALL FIELD VERIFY THE SIZES, LOCATIONS, ELEVATIONS AND DETAILS OF ALL EXISTING CONSTRUCTION AND CONDITIONS THAT AFFECT THE WORK AND SHALL INFORM THE ENGINEER OF ANY DISCREPANCIES IN DIMENSIONS, SIZES, LOCATIONS AND CONDITIONS BEFORE PROCEEDING WITH THE WORK.

UTILITY PLAN
SCALE: 1"=20'

PROJECT # 21107.001
DATE 08/01/03
DESIGNED G. SAMAN
DRAWN G. SAMAN
REVIEWED
IN CHARGE B. BOUCHER
APPROVED
SHEET TITLE

21107 **61.02**
JOB NUMBER **SHEET NUMBER**

GHAFARI ASSOCIATES, L.L.C.
Ghaferi Associates, Inc.
17101 Michigan Avenue
Dearborn, MI USA 48126-2738
T 313-441-3000
F 313-436-8830 313-436-8653
Architects • Planners
Engineers • Managers

PLUMBING INDUSTRY TRAINING CENTER

RECEIVED
OCT 3 1 2003
SKANSKA

DESIGN DEV. OWNER REVIEW 9/9/03
ISSUED FOR



Memorandum

To: Honorable Mayor Pryor and City Council
From: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: January 5, 2004
Subject: Request for Recognition as a Nonprofit Organization Status from the
Polish American Numismatic Society, American Polish Cultural Center,
for the Purpose of Obtaining a Charitable Gaming License

City Management supports the approval of the Polish American Numismatic Society's request for recognition as a nonprofit organization so that they may obtain a charitable gaming license for their upcoming "raffle" scheduled for Sunday, February 15, 2004.



Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

ORGANIZATION I.D.# 128193

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(9))

At a _____ meeting of the _____
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from POLISH AMERICAN NUMISMATIC SOCIETY TROY
NAME OF ORGANIZATION CITY

county of OKLAHOMA, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining a charitable

gaming license, be considered for FEB 15/04
APPROVAL/DISAPPROVAL

APPROVAL

Yeas: _____

Nays: _____

Absent: _____

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on _____
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R7/02)



State of Michigan
Bureau of State Lottery
101 E. Hillsdale • P.O. BOX 30023 • Lansing, Michigan 48909
www.michigan.gov/cg • (517) 335-5780



JENNIFER M. GRANHOLM
GOVERNOR

GARY PETERS
COMMISSIONER

November 10, 2003

Organization ID: 128193

Lester Rosik
Polish American Numismatic Society
PO Box 80515
Rochester, MI 48308



Dear Lester Rosik:

We have received documentation to qualify your organization as a Local Civic organization to conduct licensed gaming events as allowed by Act 382 of the Public Acts of 1972, as amended.

To complete the qualification process, please submit the following information:

1. A copy of the organization's current bylaws or constitution signed and dated by your principal officer.
2. A copy of the letter from the IRS stating the organization is exempt from federal income tax under IRS Code 501(c), or copies of one bank statement per year for the previous years from 11/10/98 to 11/10/02.
3. A complete copy of the organization's Articles of Incorporation that have been filed with the Corporations and Securities Bureau, if your organization is incorporated.
4. A provision in your bylaws, constitution, or Articles of Incorporation that states should the organization dissolve, all assets, and real and personal property will revert:
 - A. If exempt under 501(c)3, to another 501(c)3 organization.
 - B. If not exempt under 501(c)3, to the local government.
- * 5. A copy of a resolution passed by the local government stating the organization is a recognized nonprofit organization in the community; a sample is enclosed.
- ✓ 6. A receipt and expenditure statement for the last two years. If expenditures were made to individuals, explain the nature of these expenditures.
- ✓ 7. A provision in the bylaws, constitution, or Articles of Incorporation indicating the organization will remain nonprofit forever.

Please enclose a copy of this letter with the requested information. Once the above information is received, your file will be reviewed. Be sure to include your organization ID number 128193 on all documents or correspondence submitted to our office.

We look forward to working with you in the future. If you have any questions or need further assistance, please contact us at 517/335-1159.

Sincerely,

Charitable Gaming Division



Charitable Gaming Division
c/o Accounting
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing, MI 48933
(517) 335-5780
www.michigan.gov/cg

RAFFLE LICENSE APPLICATION

For Bureau Use Only

ALLOW 4 WEEKS FOR PROCESSING.
PLEASE PRINT OR TYPE IN BLUE OR BLACK INK.

Q U A L I F I C A T I O N I N F O R M A T I O N	1. Organization Name <i>POLISH AMERICAN NUMISMATIC SOCIETY</i>		2. Organization ID Number or Last License Number Issued <i>4708526</i> <i>128193</i>	
	3. Organization Address <i>P.O. Box 80515</i>			
	City <i>ROCHESTER</i>	State <i>MI</i>	ZIP Code <i>48308-0515</i>	County <i>OAKLAND</i>
	4. Has your organization ever received a license such as bingo, millionaire party, raffle, charity game ticket, or numeral game? <input type="checkbox"/> Yes - Complete application and submit with the appropriate fee. <input checked="" type="checkbox"/> No - Please follow the instructions on the qualification guideline. If a guideline was not included or you do not understand it, contact our office at (517) 335-1159 to inquire as to what documentation must be submitted to qualify for licensing.			
	5. Is your organization a candidate committee, political committee, political party committee, ballot question committee, independent committee or any other committee as defined by, and organized pursuant to, the Michigan Campaign Finance Act 388 of the Public Acts of 1976, as amended, being sections 169.201 to 169.282 of the Michigan Compiled Laws? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		6. Has your organization received contributions or made expenditures of \$500 or more in the last calendar year for the purpose of influencing or attempting to influence the action of voters for or against the nomination or election of a candidate, or the qualification, passage, or defeat of a ballot question? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

S I G N A T U R E (S)	7. Provide name, title, home address, and telephone numbers for the PRINCIPAL OFFICER, e.g., president, grand knight, worthy matron, etc., and the vice president or equivalent and one other officer of the organization. SIGNATURE OF PRINCIPAL OFFICER REQUIRED - OR - signatures of the vice president or equivalent and one other officer. NOTE: Executive director signature not acceptable.		
	Name and Title	Street, City, State, ZIP Code	Telephone Numbers
	Principal Officer <i>LESTER J. ROSIK</i>	<i>4580 VALLEY VIEW PT.</i>	Day <i>(248) 909-2670</i>
	Title <i>PRESIDENT</i>	<i>ROCHESTER, MI. 48306</i>	Evening <i>() SAME</i>
	Signature of Principal Officer <i>Lester J. Rosik</i>		Date <i>10/29/03</i>
	- OR -		
	Name and Title	Street, City, State, ZIP Code	Telephone Numbers
	Vice President or Equivalent		Day <i>()</i>
	Title		Evening <i>()</i>
	Signature of Vice President or Equivalent		Date
Name and Title	Street, City, State, ZIP Code	Telephone Numbers	
Other Officer <i>STAN STOSIAK</i>	<i>52496 STAERIDGE</i>	Day <i>()</i>	
Title <i>Secretary</i>	<i>MACOMB TWP, MI. 48042</i>	Evening <i>()</i>	
Signature of Other Officer <i>Stanley M. Stosiak</i>		Date <i>10/04/03</i>	
By signing above, I CERTIFY that I am at least 18 years of age, the organization applying is a NONPROFIT organization, I have examined this application and there is no misrepresentation or falsification in the information stated or attached, and the facts underlying our original qualification status remain unchanged. I FURTHER CERTIFY that I am aware that false or misleading statements will be cause for rejection of this application or revocation of the right to obtain any future licenses and I AM AWARE OF AND AGREE TO the conditions of Act 382 of the Public Acts of 1972, as amended, and the rules and directives of the Michigan Bureau of State Lottery.			

PLEASE COMPLETE THE BACK PAGE OF THIS APPLICATION
PLEASE MAKE A COPY OF THE COMPLETED APPLICATION FOR YOUR RECORDS



COMPLETION: Required for licensure.
PENALTY: No license will be issued.

RAFFLE INFORMATION

8. Contact person John Kozlowski Street Address Where License Should Be Mailed 3603 CAMDEN CT. City Auburn Hills State MI ZIP Code 48326 Telephone Number (Day) (248) 373-1841 Telephone Number (Evening) () SAME			9. Raffle Location (building name, if any) AMERICAN POLISH CULTURAL CENTER Street Address 2975 E. MAPLE RD. City Troy ZIP Code 48063 County OAKLAND		
10. List name, home address, and telephone numbers of the person(s) in charge of raffle. Must be member for 6 months. If more than one chairperson, attach additional list.					
Raffle Chairperson		Street, City, State, ZIP Code		Telephone Numbers	
John Kozlowski 3603 CAMDEN CT AUBURN HILLS MI 48326		Day (248) 373 1841 Evening () SAME			
11. If the total value of all prizes awarded in one day is \$500 or LESS, complete this section.					
Drawing Date(s) and Time(s) (Must be between the hours of 8 a.m.-2 a.m.): Date 02/15/04 Time (a.m./p.m.) 10:00 to 4:00 Date _____ Time (a.m./p.m.) _____ to _____ Date _____ Time (a.m./p.m.) _____ to _____ <input type="checkbox"/> Check here if there are additional drawing dates and attach list.			License Fee: All drawing dates included on this application must be at the same location. \$15 for 1, 2, or 3 drawing dates plus \$5 for each additional drawing date. (Example: 1 drawing date = \$15 fee, 6 drawing dates = \$30 fee.) <div style="border: 1px solid black; padding: 5px; display: inline-block;">\$15.00</div>		
-OR- If the total value of all prizes awarded in one day is MORE than \$500, complete this section.					
Drawing Date(s) and Time(s) (Must be between the hours of 8 a.m.-2 a.m.): Date _____ Time (a.m./p.m.) _____ to _____ Date _____ Time (a.m./p.m.) _____ to _____ <input type="checkbox"/> Check here if there are additional drawing dates and attach list.			License Fee: All drawing dates included on this application must be at the same location. \$50 X _____ = \$ <div style="border: 1px solid black; width: 50px; height: 20px; display: inline-block;"></div> Number of Dates		

TICKET INFORMATION

12. Will you be conducting an in-house raffle ONLY where there is no presale of the raffle tickets before the occasion? ☐ Yes ☒ No

13. Complete the boxes below in ink; ensure the ticket is printed with all of the required items. See Raffle Rule 506.

Indicate any additional information that will appear on the actual tickets.

RAFFLE <div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;"> POLISH AMERICAN NUMISMATIC SOCIETY Name of Licensee </div>		001 Ticket #	001 Ticket #
Drawing Date(s) <div style="border: 1px solid black; padding: 5px; display: inline-block;">02/15/04</div>	Prizes <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> First Prize * \$50.00 CASH Second Prize (if applicable) 102. SILVER PROOF COIN Third Prize (if applicable) SILVER POLISH COIN Minimum 50/50 Prize (if applicable) _____ </div>	Drawing Time(s) <div style="border: 1px solid black; padding: 5px; display: inline-block;">11:00 AM / 4:00 PM</div>	Purchaser's Name _____ Purchaser's Address _____ Purchaser's Phone # _____
Raffle Location AMERICAN POLISH CULTURAL CENTER		Ticket Price \$1.00 (to be added when issued) License Number _____	

* For large prizes, you may want to include a disclaimer that states "If xxx (Indicate number) tickets are not sold, the drawing will revert to a 50/50 raffle with the minimum prize of \$xxx (Indicate dollar amount) awarded."

Make checks payable to: **STATE OF MICHIGAN**
 Submit completed application, supporting documents, and license fee to:
 Charitable Gaming Division, c/o Accounting, Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY: 101 E. Hillsdale, Lansing, MI 48933

Polish American Numismatic Society

Established in 1981

P.O. Box 80515 Rochester, MI 48308-0515

Constitution

Polish American Numismatic Society

Lester J. Reich

President of P.A.N.S.

01/04/04

POLISH AMERICAN NUMISMATIC SOCIETY- Constitution

ARTICLE I-Name and Object

SECTION 1. This organization shall be forever a non-profit society known as the Polish American Numismatic Society.

SECTION 2. Its object shall be to encourage and promote the science of numismatics by the acquirement and study of Polish coins, paper money and medals, to cultivate fraternal relations among collectors and students, and to foster the interest of youth in the subject, to stimulate and advance affiliations between collectors and kindred organizations, to acquire and disperse numismatic knowledge, to demonstrate the fact that numismatics is an educational, serious and entertaining pursuit, as a hobby and not a commercial aspect.

ARTICLE II-Membership

SECTION 1. The membership of this society shall be divided into two classes: charter and regular.

ARTICLE III- Officers

SECTION 1. The elective officers of the society shall be president, first vice president, second vice president, secretary, treasurer, and Board of Governors.

SECTION 2. The vice president shall act as president in the event of death, absence, or resignation of the president. After this, the line of succession shall be the second vice president, the secretary, the treasurer, and the board member with the highest current seniority.

SECTION 3. The duties of the officers shall be such as those pertaining to officers in similar organizations, and are more specifically set forth in the bylaws.

ARTICLE IV Revenue

SECTION 1. The revenue of the society shall be derived from such things as dues and initiation fees of its members, society events, and other forms of legal money-raising activities.

ARTICLE V-Powers

SECTION 1. The society shall have the power to have and to use a common seal, and to alter and change the same at its pleasure; to sue and to be sued by any court of the United States; to take or receive for the purpose of the Society any gift, grant or device; and to administer any trust for the purpose of the organization.

ARTICLE VI Amendments

SECTION 1. This constitution may be altered or amended at any time at any regular meeting of the Society by the consent of a two-thirds of the charter members or a two-thirds of the active members voting on such alternation or amendment, provided that at least two weeks notice of such change have been given to each member of the secretary, or other active member so designated by the president, board, or membership.

ARTICLE VII Dissolution

SECTION 1. Dissolution of the Society shall require the same procedure as when the constitution is amended (see Article VI, section I of the constitution). Should this society be dissolved or liquidated, all assets remaining after the payment of any indebtedness shall be distributed to a non-profit organization or Polish needy organizations in Poland.

POLISH AMERICAN NUMISMATIC SOCETY-Bylaws, page 1

ARTICLE I Meetings

SECTION 1. Regular meeting: When the Active Members are meeting in quorum and where all formal society business is transacted (excepting elections as stated in Article V, Section 1 of Bylaws), and committees are appointed to carry out their various duties. Regular meetings may be cancelled or held at another location temporally if the permanent location is not available due to circumstances beyond the society's control, Sufficient notice, whether formal or informal, is to be given to all Active Members. If more than one meeting shall be considered necessary away from the permanent location, then advance notice must be given of the subsequent meetings. This advance notice should be in written form, unless other satisfactory means are found, for each individual case. Temporary locations may become permanent locations during the second meeting. Changes in the constitution or by-laws must be made during a regular meeting at a permanent location. Starting time: All active members must be notified in advance, of any change in the normal starting time of Regular Meetings, to which they are accustomed.

SECTION 2. Special meeting: Informal meetings, such as Christmas parties, where no official business is transacted, except when it may be necessary to hold elections. (See Article V, Section 1 of by-laws).

SECTION 3. Quorum: Three charter members and there active members or one-third of the total active membership, whichever is less, shall constitute a minimal quorum for the transaction of business and election of officers.

SECTION 4. The Society's fiscal year shall be the calendar year January through December.

ARTICLE II Dues

SECTION 1. The dues of this Society for all active members eighteen years of age or older, shall be \$10.00 per calendar year, payable by the last meeting in January, with a period of grace extending to the sixth regular meeting of the new calendar year.

SECTION 2. The annual dues for junior members (under eighteen years of age) shall be \$2.00 payable as in Section 1.

ARTICLE III Application for Membership

SECTION 1. Application for active membership (persons eighteen (18) years of age or older) must be entered upon Society's official application blank. The application must contain the applicant's name, full address, age (if requested), occupation and date of application. Incorrect information intentionally submitted, shall be grounds for rejection of the application, or dismissal from the Society. The fee, paid only once upon an application, shall be \$10.00 and shall be payable upon request. Whenever possible, each applicant shall be recommended by at least on active member. If no active member can vouch for the character of the applicant, a board of governors committee may approve or disapprove the new applicant.

SECTION 2. Application for junior membership shall be the same as in Section 1, Article III of the bylaws, except for the application fee, which shall be \$2.00,

SECTION 3. In case of objection to the admission of an applicant, the matter shall be referred to the Board. The applicant will be notified by mail.

ARTICLE IV Duties of Officers

SECTION 1. The president shall preside at tall the meetings of the Society. In case of temporary vacancy in any office, he shall appoint a member to act until the board fills the vacancy. In case any officer is prevented by sickness or any other means from performing the duties of his office, the president may appoint a substitute to act during such disability.

SECTION 2. The vice president shall assist the president in the discharge of his duties.

SECTION 3. The secretary shall keep a true and complete record of the Society's business to the best of his or her ability, and preserve all documents, except when the board directs otherwise.

SECTION 4. The treasurer shall be in charge of the Society's monies as directed by the board. The treasurer shall prepare and present financial reports which shall represent, to the best of his or her ability the true finance position of the Society. Reports shall be presented, normally, at every regular meeting. When two consecutive regular meetings are held without having this financial report given, the board is responsible, directly or indirectly, for obtaining the records and submitting the reports. The treasurer shall bring any unreasonable request for funds not previously understood as to have been authorized, to the attention of the president, board member, or before the membership, before it is to be paid. Any single expenditure of one hundred dollars (\$100.00) or more, as outlined in Article VI, Section 2 of the bylaws, must be authorized by either the board or the membership. There are three types of treasurer's reports: (1) un-audited, (2) audited, internally by one of more active members so designated, and (3) audited, externally by a non-member(s) qualified in the field. Unless otherwise stated, treasurer's reports shall be on un-audited variety (1). Being un-audited does not indicate that the report may be inaccurate. True and accurate reports are always presumed by the membership.

ARTICLE V-Election of Officers

SECTION 1. OFFICERS SHALL BE elected from the active membership, by written ballot cast by active members, normally during a regular meeting in November. Nominations or volunteers will be taken in October. If circumstances beyond the Society's control prevent such an election at the time specified, then elections may be held at a special meeting in November. No notice of elections is required, as all members are responsible for their appearance at this important annual event, excepting when elections are held at another time than the month of November. The active member receiving a majority of votes cast for an office shall be elected to that office. New officers shall normally assume their duties during the first meeting in the new calendar year. Those seeking an elective office must be a member of the society for twelve (12) months or more, excepting presidential candidates, who must have at least twenty-four (24) months of active membership.

ARTICLE VI General Laws and Regulations

SECTION 1. No officer, committee, member, excluding the board, shall incur any expense in the name of the society, unless same has been authorized by the board or the membership, except that the president or treasurer may incur any necessary and reasonable expense of \$20.00 or less, per year, for materials used in the direct pursuit of their duties. The secretary may incur any reasonable expense directly related to the meetings. Examples of these expenses are postage, post cards, stationery, record books and other secretarial supplies that have been purchased in the past without the

membership approval. This section shall also not apply to the Show Committee, Flower Funding, or Refreshments Chairman, each of which has been determined by tradition, or regulated by vote. But all expenditures, involving one specific area of any committee, in the name of the Society of one hundred dollars (\$100.00) or more, must be approved by the board, or the membership, regardless of past practice.

SECTION 2. All officers at the expiration of their term of office shall deliver to their successor all books, papers, money or other property of the Society in their possession, and shall not be relieved of their obligation until this requirement has been complied with.

SECTION 3. In case of a permanent vacancy in any office excepting president, a quorum of active members in good standing shall elect by ballot, a member in good standing to serve for the remainder of the term.

SECTION 4. The use of Society's Seal shall be restricted to the official stationery, and any association printing of an official nature. Consent of the board of governors must be obtained for its use for any other purpose.

SECTION 5. These by-laws may be altered or amended at any time by a majority vote of the active members voting at any regular meeting of the Society provide that at least two (2) weeks notice of such a change has been given each active member by the secretary, for other active member so designated by the president, board, or membership.

SECTION 6. Any form of the society's business or activity not set forth in the constitution or by-laws shall be disposed of by currently accepted parliamentary procedure, or by practices of similar organizations, such as the American Numismatic Association or the Michigan State Numismatic Society.

SECTION 7. SECRET VOTE. Any active member may call for a secret ballot on any vote, except adjournment.

SECTION 8. Miscellaneous terminology. Society refers to the Polish American Numismatic Society when used within the constitution or by-laws. Board refers to the Board of Governors (Directors) when they meet in quorum.

POLISH AMERICAN NUMISMATIC SOCIETY-Constitution and by-laws incorporating all alternations and amendments of _____.

000 18 01

PAGE:

1

DATE: 07/31/98

ACCOUNT: 2003010902

ORGANIZATION I.D.# 128193

POLISH AMERICAN NUMISMATIC SOC
PO BOX 3232
CENTER LINE MI 48015-0232

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NOW IS THE TIME TO CONSOLIDATE YOUR DEBTS INTO ONE LOW MONTHLY PAYMENT.
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ALL CLOSING COSTS. CALL 1-800-642-INFO(4636) FOR MORE INFORMATION.

=====

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HUNTINGTON CHECKING ACCOUNT 2003010902

=====

TAX IDENTIFICATION NUMBER	38-1899841	LAST STATEMENT 06/30/98	2,208.90
MINIMUM BALANCE	2,208.90	CREDITS	.00
AVG AVAILABLE BALANCE	2,208.90	1 DEBITS	4.00
AVERAGE BALANCE	2,208.90	THIS STATEMENT 07/31/98	2,204.90

DESCRIPTION	OTHER DEBITS	DATE	AMOUNT
SERVICE CHARGE		07/31	4.00

- - - ITEMIZATION OF SERVICE CHARGE PAID THIS PERIOD - - -

TOTAL CHARGE FOR MAINTENANCE: 4.00

- - - - - DAILY BALANCE - - - - -	
DATE.....	BALANCE
07/31	2,204.90

THE HUNTINGTON NATIONAL BANK
PO BOX 1558
COLUMBUS OH 43216-1558

ORGANIZATION I.D. # 128193



POLISH AMERICAN NUMISMATIC SOCIETY
PO BOX 3232
CENTER LINE MI 48015-0232

STATEMENT PERIOD
11/01/99 - 11/30/99
ACCOUNT: 02380612116

EMT 0



TALK TO A DIRECT BANK SPECIALIST AT HUNTINGTON DIRECT ANYTIME
AT 1-800-480-BANK.

HUNTINGTON ACCESS ACCOUNT

CHECK NUMBER	AMOUNT	DATE	DESCRIPTION	BANK REFERENCE NUMBER	DATE	BALANCE
1385	24.78	1115	CHECK	5520067615	1031	5,486.49
1386	47.75	1109	CHECK	5550108457	1109	5,438.74
1387	324.60	1110	CHECK	5510164552	1110	5,114.14
	5.00	1130	ACCESS MAINTENANCE FEE**	3000002141	1115	5,089.36
					1130	5,084.36

** TOTAL OF THE CHARGES ITEMIZED ABOVE IS 5.00

EFFECTIVE 10/28/99, HUNTINGTON PRIME MONEY MARKET ACCOUNTS (HPMMA) WILL EARN A VARIABLE INTEREST RATE ON \$5,000 BALANCES. WE REDUCED THE MINIMUM BALANCE TO EARN 55% OF PRIME FROM \$25,000 TO \$10,000. THE MINIMUM BALANCE TO OPEN AN HPMMA IS \$5,000. EFFECTIVE 11/22/99, THE EXCESS DEBIT FEE WILL BE \$2. EFFECTIVE FEBRUARY 1, 2000, THE CUT-OFF TIME FOR DEPOSITS MADE AT ATMS WILL BE NOON (12 PM), UNLESS A LATER CUT-OFF TIME IS POSTED ON THE ATM.

ITEMS ENCLOSED	ITEMS DEPOSITED	ITEMS PAID	BALANCE LAST STATEMENT	TOTAL AMOUNT CHARGED	TOTAL AMOUNT CREDITED	BALANCE THIS STATEMENT
0	0	3	5,486.49	402.13	0.00	5,084.36
	ATM MINI STATEMENTS	ATM EXTENDED STATEMENTS	MAC/MONEY STATION BALANCE INQUIRIES	CIRRUS BALANCE INQUIRIES		
	0	0	0	0	0	

(*) INDICATES THE PRIOR SEQUENTIALLY NUMBERED CHECK(S) IS MISSING. THESE CHECKS MAY HAVE:
1) BEEN VOIDED BY YOU, 2) NOT YET PRESENTED TO THE BANK, OR 3) APPEARED ON A PREVIOUS STATEMENT.

THE HUNTINGTON NATIONAL BANK
PO BOX 1558
COLUMBUS OH 43216-1558



ORGANIZATION ID# 128193

POLISH AMERICAN NUMISMATIC SOCIETY
PO BOX 3232
CENTER LINE MI 48015-0232

STATEMENT PERIOD
10/01/00 - 10/31/00
ACCOUNT: 02380612116

EMT 0



CALL 800-480-BANK TO TALK TO A DIRECT BANK SPECIALIST MONDAY
THROUGH FRIDAY 7AM TO 10PM AND WEEKENDS 8AM TO 5PM. AUTOMATED
ACCOUNT INFORMATION IS NOW AVAILABLE 24 HOURS A DAY.

HUNTINGTON PREMIER CHECKING ACCOUNT


CHECK NUMBER	AMOUNT	DATE	DESCRIPTION	BANK REFERENCE NUMBER	DATE	BALANCE
1417	10.00	1026	CHECK	0544004208	0930	2,018.23
1418	12.40	1017	CHECK	0542063337	1010	1,018.23
1419	70.00	1013	CHECK	0545061299	1013	948.23
1420	1,000.00	1010	CHECK	0332233025	1017	935.83
					1026	925.83

ANNUAL PERCENTAGE YIELD EARNED THIS STATEMENT PERIOD 0.00%

ITEMS ENCLOSED	ITEMS DEPOSITED	ITEMS PAID	BALANCE LAST STATEMENT	TOTAL AMOUNT CHARGED	TOTAL AMOUNT CREDITED	BALANCE THIS STATEMENT
0	0	4	2,018.23	1,092.40	0.00	925.83
	ATM MINI STATEMENTS	ATM EXTENDED STATEMENTS	MAC/MONEY STATION BALANCE INQUIRIES		CIRRUS BALANCE INQUIRIES	
	0	0	0	0	0	

(*) INDICATES THE PRIOR SEQUENTIALLY NUMBERED CHECK(S) IS MISSING. THESE CHECKS MAY HAVE:
1) BEEN VOIDED BY YOU, 2) NOT YET PRESENTED TO THE BANK, OR 3) APPEARED ON A PREVIOUS STATEMENT.

THE HUNTINGTON NATIONAL BANK
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ORGANIZATION I.D. # 128193

Huntington

POLISH AMERICAN NUMISMATIC SOCIETY
PO BOX 3232
CENTER LINE MI 48015-0232

STATEMENT PERIOD
09/01/01 - 09/30/01
ACCOUNT: 02380612116

EMT 0



FOR MORE INFORMATION VISIT A HUNTINGTON PERSONAL BANKER OR CONTACT US:
1-800-480-BANK
WWW.HUNTINGTON.COM
DIRECT@HUNTINGTON.COM

HUNTINGTON PREMIER CHECKING ACCOUNT

CHECK NUMBER	AMOUNT	DATE	DESCRIPTION	BANK REFERENCE NUMBER	DATE	BALANCE
					0831	1,507.06

ANNUAL PERCENTAGE YIELD EARNED THIS STATEMENT PERIOD 0.00%

ITEMS ENCLOSED	ITEMS DEPOSITED	ITEMS PAID	BALANCE LAST STATEMENT	TOTAL AMOUNT CHARGED	TOTAL AMOUNT CREDITED	BALANCE THIS STATEMENT
0	0	0	1,507.06	0.00	0.00	1,507.06
	ATM MINI STATEMENTS	ATM EXTENDED STATEMENTS	MAC/MONEY STATION BALANCE INQUIRIES		CIRRUS BALANCE INQUIRIES	
	0	0	0		0	

(*) INDICATES THE PRIOR SEQUENTIALLY NUMBERED CHECK(S) IS MISSING. THESE CHECKS MAY HAVE
1) BEEN VOIDED BY YOU, 2) NOT YET PRESENTED TO THE BANK, OR 3) APPEARED ON A PREVIOUS STATEMENT.

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www.huntington.com

ORGANIZATION ID # 128193

Huntington Premier Checking Account

Account: 02380612116

Statement Activity From:
09/01/02 to 09/30/02

Beginning Balance	\$1,442.07
Credits (+)	0 00
Debits (-)	0 00
Total Fees (-)	0 00
Ending Balance	\$1,442.07
Average Balance	1,442.07
Low Balance	1,442.07

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ORGANIZATION I.D.# 128193

POLISH AMERICAN NUMISMATIC SOCIETY
PO BOX 80515
ROCHESTER MI 48308-0515

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Huntington office or
contact us at:

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www.huntington.com



Huntington Premier Checking Account

Account: 02380612116

Statement Activity From:
09/01/03 to 09/30/03

Beginning Balance	\$1,535.37
Credits (+)	0.00
Debits (-)	86.00
Total Fees (-)	0.00
Ending Balance	\$1,449.37
Average Balance	1,500.10
Low Balance	1,449.37

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Check Activity (-)

Account: 02380612116

Check #	Amount	Date Paid	Check #	Amount	Date Paid
1479	76.00	09/18	1480	10.00	09/24

(*) Indicates the prior sequentially numbered check(s) may have 1) been voided by you 2) not yet been presented 3) appeared on a previous statement.

Huntington Premier Checking Balance Activity

Account: 02380612116

Date	Balance	Date	Balance	Date	Balance
08/31	1,535.37	09/18	1,459.37	09/24	1,449.37

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Statement Period from 09/01/03 to 09/30/03 Page 1 of 1

POLISH AMERICAN NUMISMATIC SOCIETY
P.O. BOX 80515, ROCHESTER, MICH 48308-0515

12-01-01 TO 11-30-02

BEGINNING BALANCE \$1,412.56

REVENUE

MEMBER DUES 65.00

ANNUAL COIN SHOW 2,657.00

BANK INTEREST .17

\$2,722.17

EXPENSE

OPERATING EXPENSE 510.96

ANNUAL COIN SHOW 1,702.76

PROFESSIONAL DUES 174.00

STUDENTS SCHOLARSHIPS 450.00

\$2,837.72

ENDING BALANCE \$1,297.01

ORGANIZATION I.D. # 128193

POLISH AMERICAN NUMISMATIC SOCIETY

P.O. Box 80515, ROCHESTER, MI 48308-0515

12-1-02 TO 11-30-03

BEGINNING BAL.

\$1,297.01

REVENUE:

MEMBER DUES

75.00

ANNUAL COIN SHOW

\$2,754.00

BANK INTEREST

.83

\$2,829.83

EXPENSE

OPERATING EXPENSE

921.35

ANNUAL COIN SHOW

1,344.52

PROFESSIONAL DUES

239.00

STUDENT SCHOLARSHIPS


500.00

\$3,004.87

ENDING BALANCE

\$1,121.97

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police 

SUBJECT: Agenda Item - Mon Jin Lau Fireworks Request

The Mon Jin Lau (1515 E. Maple) requests that the City of Troy waive the city ordinances prohibiting the discharge of fireworks (Chapter 98.05.16 and Chapter 93, 3301.1.3) for the purpose of celebrating Chinese New Year. In the past, City Council has routinely approved this request. The Police and Fire Departments do not object to the request.

The Mon Jin Lau celebration is scheduled for January 26, 2004.

Should you have any questions please feel free to contact me.

Mon Jin Lau
1515 East Maple Road
Troy, MI 48083
248.689.2332

City Of Troy
Tony Pollatta
500 W. Big Beaver
Troy, MI 48084

January 6, 2003

Dear Mr. Shrimpka

We are again celebrating Chinese New Year's at our restaurant and, we are respectfully requesting the use of small firecrackers on Monday January 26, 2004.

We appreciate your past approvals for the last twenty six years. And look forward to your approval again this New Year.

Very truly,

A handwritten signature in black ink, appearing to be 'Marco Chin', with a stylized, flowing script.

Marco Chin



TO: Mayor and Members of City Council
FROM: Lori Grigg Bluhm, City Attorney *LG*
Allan T. Motzny, Assistant City Attorney *ATM*
DATE: January 6, 2004
SUBJECT: Troy v Obertynski

As part of a road improvement project (Dequindre Southbound Right Turn Lane Project) the City initiated efforts to acquire a 27-foot strip of residentially zoned property located at 43109 Dequindre Road. The parcel is adjacent to a city-owned parcel on the northwest corner of Square Lake and Dequindre that is zoned for commercial purposes. The City filed its complaint for acquisition on August 26, 2003 and has acquired ownership. The only issue remaining is the amount of just compensation. Prior to initiating the condemnation action, the City had the property appraised and offered to purchase it for \$30,000. The City's appraiser determined the highest and best use was for office development or assembly for commercial development and calculated the value based on a unit rate of \$6.75 per square foot.

The Defendants have offered to settle for \$37,500.00 in just compensation, \$1,000.00 in expert witness fees, plus an attorney fee of \$2,500.00 as allowed by statute. As part of the settlement offer, Defendants have requested the right of first refusal with respect to the city-owned property on the northwest corner of Dequindre and Square Lake Road. We have prepared a proposed consent judgment incorporating the terms of the settlement offer that is attached for your review and approval. We recommend approval of the consent judgment.

If you should have any questions regarding this matter, please let us know.

STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan
municipal corporation,

Plaintiffs,

v.

Case No.

TOM OBERTYNSKI, AGATHA
OBERTYNSKI, and COMERICA
BANK, a Michigan corporation,

Defendants.

City of Troy – City Attorney's Office
Allan T. Motzny (P37580)
Attorney for Plaintiff
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320 ☎
(248) 524-3259 📠

Gary R. Dettloff (P28693)
Attorney for Defendants, Obertynski
Law Office of Gary R. Dettloff
18 First Street
Mount Clemens, MI 48043
(586) 468-4980 ☎
(586) 465-3100 📠

Michael D. Boutell (P23113)
Attorney for Comerica Bank
500 Woodward Ave, Floor 33,
Detroit, MI 48226
(313) 222-5960 ☎

CONSENT JUDGMENT

At a session of Court held in the
Courthouse in the City of Pontiac,
Oakland County, MI

on: _____

PRESENT: HONORABLE PATRICK J. BRENNAN, CIRCUIT JUDGE

In this cause the Plaintiff, City of Troy, and Defendants, Tom and Agatha
Obertynski, have stipulated to entry of this consent judgment, and a default has
been entered against Defendant, Comerica Bank, now, therefore,

IT IS ORDERED:

1. Title to the property which is the subject of this cause of action, and which is fully described in the Complaint for Acquisition of Property and Declaration of Taking filed with this Court on August 26, 2003, has vested in the Plaintiff by virtue of the filing of the Complaint for Acquisition of Property and Declaration of Taking and the entry by this Court on October 29, 2003 of the Order for Payment of Estimated Compensation and Surrender of Possession.

2. As required in the Order for Payment of Estimated Compensation and Surrender of Possession, the Plaintiff previously paid the Defendants estimated just compensation in the amount of \$30,000.

3. Plaintiff shall pay to Defendants the additional sum of \$7,500 for the acquisition of the property described in the Complaint for Acquisition of Property and Declaration of Taking or otherwise arising out of the taking for public purposes of said property (exclusive of interest, costs and attorney fees) and except as otherwise expressly provided in this Judgment.

4. Pursuant to the provisions of 1931 PA 270 as amended, MCL 213.291, any amounts incurred up to the date of taking as delinquent taxes, assessments or water bills, if any, shall be deducted by Plaintiff prior to payment of the sums set forth in paragraph 3.

5. Plaintiff shall further pay Defendants statutory interest on the unpaid just compensation from and after August 26, 2003 in accordance with the provisions of Section 15 of the Uniform Condemnation Procedures Act, MCL 213.65, until the date of actual tender of payment.

6. Plaintiff, in accordance with MCL 213.66(1), shall pay costs and appraisal fees incurred by Defendants in the amount of \$1,000. Said sums shall be paid to Gary R. Dettloff, IOLTA Account.
7. The payee in all instruments of payment drawn pursuant to this judgment for just compensation and interest shall be Gary R. Dettloff, IOLTA Account.
8. Pursuant to the provisions of Section 2 of the General Property Tax Act, being 1893 PA 206, as amended, (MCL 211.2) taxes paid or deducted shall be prorated, on a due-date basis and adjusted proportionately for the amount of the acquisition, and an appropriate adjustment shall be made in the amount paid or withheld pursuant to this judgment.
9. Plaintiff shall pay the one-third contingency attorney fee reimbursement, pursuant to Section 16(3) of the Uniform Condemnation Procedures Act (1980 PA 87; MCL 213.66(3)). Plaintiff shall pay the attorney fee reimbursement directly to Gary R. Dettloff, J.D.
10. Defendants shall have the right of first refusal with respect to the City owned parcel on the northwest corner of Dequindre and Square Lake Road.
11. Upon payment by Plaintiff of the sums recited herein, any and all claims of Defendants which have been asserted or which could have been asserted against Plaintiff arising out of the taking of the subject property or by reason of any other claims for damages which could or may have been asserted by reason of the commencement of the instant proceedings shall be forever barred.
12. This judgment resolves the last pending claims and closes the case.

Circuit Judge

Approved as to substance and form;
notice of entry waived

Allan T. Motzny (P37580)
Attorney for Plaintiff

Gary R. Dettloff (P28693)
Attorney for Defendants Obertynski

December 29, 2003

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
 Gary A. Shripka, Assistant City Manager/Services
 Jeanette Bennett, Purchasing Director
 Carol K. Anderson, Parks and Recreation Director

Subject: Standard Purchasing Resolution 1: Award to Low Bidders –
 Fertilizer and Weed Control Application Services

RECOMMENDATION

City management recommends Troy City Council split the three-year contract award for Fertilizer and Weed Control Application Services on municipal grounds to the low bidders as follows: **2004** - *Davey Tree Expert Co., 3381 Lapeer Road West, Auburn Hills, MI 48326, (248) 371-9007*, for an estimated cost of \$69,709.00; and for years **2005** and **2006** – *United Lawnscape, Inc., 4400 22 Mile Road, Shelby Township, MI 48317, (586) 739-5296*, for an estimated total cost of \$143,746.00, at unit prices contained in the attached bid tabulation opened 12/9/03. Both awards are contingent upon vendors' submission of proper contract and bid documents, including bonds, insurance certificates, and all specified requirements.

SUMMARY

Bids for the contract were opened on December 9, 2003, with six (6) companies responding. This contract provides for turf fertilization and weed control on irrigated and non-irrigated municipal grounds, as well as one late season fertilizer application on athletic fields. The split bid award represents the best value to the City, which allows Davey Tree, our current service provider, to continue application services for 2004, and United Lawnscape, the second and third years of the contract. Both vendors have been contacted and agree to a split award.

BUDGET

Funds for this contract are available in Parks and Recreation operating budgets.

81 Vendors Notified on MITN System

6 Bid Responses Rec'd

2 No Bids: (1) Company not interested at this time.
 (1) Company felt the job was too large and could not be competitive.

Prepared by Jeff Biegler, Superintendent of Parks

Opening Date -- 12/9/03
Date Prepared -- 12/15/03

CITY OF TROY
BID TABULATION
FERTILIZER AND WEED CONTROL APPLICATION SERVICES

ITB-COT 03-37
Pg 1 of 4

VENDOR NAME:

UNITED LAWNSCAPE INC	THE DAVEY TREE EXPERT COMPANY	TRUGREEN CHEMLAWN
17274	838282553	8001032
\$2,500.00	\$2,500.00	\$2,500.00

CHECK #:

CHECK AMOUNT:

PROPOSAL -- FURNISH THREE (3) YEAR REQUIREMENTS OF FERTILIZER AND WEED CONTROL APPLICATION SERVICES IN ACCORDANCE WITH THE SPECIFICATIONS

PROPOSAL "A"

Irrigated Sites (4) Four times per season

2004

102.71 Acres	First Application:	\$ 70.20	\$ 68.16	\$ 80.00
	Second Application:	\$ 62.25	\$ 60.50	\$ 84.00
	Third Application:	\$ 61.00	\$ 59.35	\$ 46.52
	Fourth Application:	\$ 61.40	\$ 59.27	\$ 84.00
		\$ 254.85	\$ 247.28	\$ 294.52

2005

102.71 Acres	First Application:	\$ 70.20	\$ 71.57	\$ 80.00
	Second Application:	\$ 62.25	\$ 63.52	\$ 84.00
	Third Application:	\$ 61.00	\$ 62.32	\$ 46.52
	Fourth Application:	\$ 61.40	\$ 62.24	\$ 84.00
		\$ 254.85	\$ 259.65	\$ 294.52

2006

102.71 Acres	First Application:	\$ 70.20	\$ 75.14	\$ 80.00
	Second Application:	\$ 62.25	\$ 66.69	\$ 84.00
	Third Application:	\$ 61.00	\$ 65.46	\$ 46.52
	Fourth Application:	\$ 61.40	\$ 65.34	\$ 84.00
		\$ 254.85	\$ 272.63	\$ 294.52

PROPOSAL "B"

Non-Irrigated Areas (3) Three Applications per Specs.

2004

224.28 Acres	First Application:	\$ 70.20	\$ 68.16	\$ 79.00
	Second Application:	\$ 62.25	\$ 60.50	\$ 80.00
	Third Application:	\$ 61.40	\$ 59.27	\$ 67.00
		\$ 193.85	\$ 187.93	\$ 226.00

2005

224.28 Acres	First Application:	\$ 70.20	\$ 71.57	\$ 79.00
	Second Application:	\$ 62.25	\$ 63.52	\$ 80.00
	Third Application:	\$ 61.40	\$ 62.24	\$ 67.00
		\$ 193.85	\$ 197.33	\$ 226.00

2006

224.28 Acres	First Application:	\$ 70.20	\$ 75.14	\$ 79.00
	Second Application:	\$ 62.25	\$ 66.69	\$ 80.00
	Third Application:	\$ 61.40	\$ 65.46	\$ 67.00
		\$ 193.85	\$ 207.29	\$ 226.00

PROPOSAL "C"

Flynn, Firefighters, & Boulan Athletic Fields

2004

43.67 Acres	One Application	\$ 50.85	\$ 49.50	\$ 65.00
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2005

43.67 Acres	One Application	\$ 50.85	\$ 51.98	\$ 65.00
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2006

43.67 Acres	One Application	\$ 50.85	\$ 54.57	\$ 65.00
--------------------	-----------------	----------	----------	----------

ESTIMATED GRAND TOTAL PROPOSALS 'A-C':
ESTIMATED TOTAL AWARDED ITEMS:

\$ 215,618.82	\$ 219,780.43	\$ 251,327.94
\$ 143,745.88	\$ 69,708.73	

Opening Date -- 12/9/03
Date Prepared -- 12/15/03

CITY OF TROY
BID TABULATION
FERTILIZER AND WEED CONTROL APPLICATION SERVICES

ITB-COT 03-37
Pg 2 of 4

VENDOR NAME:		UNITED LAWNSCAPE INC	THE DAVEY TREE EXPERT COMPANY	TRUGREEN CHEMLAWN
SITE INSPECTION:	Y/N	YES	YES	YES
	DATE	12/2/03	12/1/03	11/3-6/03
INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
ALTERNATE INSURANCE: POLLUTION COVERAGE				
	Can Meet	XX	XX	XX
	Cannot Meet			
TERMS:		NET 30 DAYS	BLANK	3 YEARS
WARRANTY:		N/A	BLANK	TRUGREEN GUARANTEE
EXCEPTIONS:		BLANK	BLANK	BLANK
BIDDER'S GENERAL QUESTIONNAIRE:				
	Attached	XX	XX	XX
	Not Attached			

* **BOLDFACE TYPE DENOTES LOW BIDDERS**

NO BIDS:

Carso, Inc
Owen Tree Service

ATTEST:

Jeffrey Biegler
Charlene McComb
Linda Bockstanz

Jeanette Bennett
Purchasing Director

Opening Date -- 12/9/03
Date Prepared -- 12/15/03

CITY OF TROY
BID TABULATION
FERTILIZER AND WEED CONTROL APPLICATION SERVICES

ITB-COT 03-37
Pg 3 of 4

VENDOR NAME:

STEELE'S SERVICES LLC	TORRE & BRUGLIO INC	AG HOUSEY COMPANY INC
CHECK #: 835784895	20384472	698901652
CHECK AMOUNT: \$2,500.00	\$2,500.00	\$2,500.00

PROPOSAL -- FURNISH THREE (3) YEAR REQUIREMENTS OF FERTILIZER AND WEED CONTROL APPLICATION SERVICES IN ACCORDANCE WITH THE SPECIFICATIONS

PROPOSAL "A"

Irrigated Sites (4) Four times per season

2004

102.71 Acres	First Application:	\$ 78.50	\$ 170.66	\$ 132.00
	Second Application:	\$ 153.63	\$ 83.86	\$ 132.00
	Third Application:	\$ 65.40	\$ 83.86	\$ 132.00
	Fourth Application:	\$ 153.63	\$ 83.86	\$ 132.00
		\$ 451.16	\$ 422.24	\$ 528.00

2005

102.71 Acres	First Application:	\$ 78.50	\$ 175.78	\$ 136.00
	Second Application:	\$ 153.63	\$ 86.38	\$ 136.00
	Third Application:	\$ 65.40	\$ 86.38	\$ 136.00
	Fourth Application:	\$ 153.63	\$ 86.38	\$ 136.00
		\$ 451.16	\$ 434.92	\$ 544.00

2006

102.71 Acres	First Application:	\$ 78.50	\$ 181.06	\$ 140.00
	Second Application:	\$ 153.63	\$ 88.98	\$ 140.00
	Third Application:	\$ 66.40	\$ 88.98	\$ 140.00
	Fourth Application:	\$ 153.63	\$ 88.98	\$ 140.00
		\$ 452.16	\$ 448.00	\$ 560.00

PROPOSAL "B"

Non-Irrigated Areas (3) Three Applications per Specs.

2004

224.28 Acres	First Application:	\$ 81.00	\$ 170.66	\$ 132.00
	Second Application:	\$ 167.50	\$ 83.86	\$ 132.00
	Third Application:	\$ 98.00	\$ 83.86	\$ 132.00
		\$ 346.50	\$ 338.38	\$ 396.00

2005

224.28 Acres	First Application:	\$ 81.00	\$ 175.78	\$ 136.00
	Second Application:	\$ 167.50	\$ 86.38	\$ 136.00
	Third Application:	\$ 98.00	\$ 86.38	\$ 136.00
		\$ 346.50	\$ 348.54	\$ 408.00

2006

224.28 Acres	First Application:	\$ 81.00	\$ 181.06	\$ 140.00
	Second Application:	\$ 167.50	\$ 88.96	\$ 140.00
	Third Application:	\$ 98.00	\$ 88.98	\$ 140.00
		\$ 346.50	\$ 359.00	\$ 420.00

PROPOSAL "C"

Flynn, Firefighters, & Boulan Athletic Fields

2004

43.67 Acres	One Application	\$ 94.00	\$ 83.86	\$ 115.00
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2005

43.67 Acres	One Application	\$ 94.00	\$ 86.38	\$ 119.00
--------------------	-----------------	----------	----------	-----------

2006

43.67 Acres	One Application	\$ 94.00	\$ 88.98	\$ 123.00
--------------------	-----------------	----------	----------	-----------

ESTIMATED GRAND TOTAL PROPOSALS 'A-C':

\$384,572.64	\$ 379,952.06	\$ 457,731.63
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VENDOR NAME:		STEELE'S SERVICES LLC	TORRE & BRUGLIO INC	AG HOUSEY COMPANY INC
SITE INSPECTION:	Y/N	YES	YES	YES
	DATE	12/1/03	12/2&3/03	Nov-2003
INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
ALTERNATE INSURANCE: POLLUTION COVERAGE				BLANK
	Can Meet		XX	
	Cannot Meet	XX		
TERMS:		30 DAYS	BLANK	NET 30
WARRANTY:		SEE SPECS	BLANK	AS PER CONTRACT
EXCEPTIONS:		NONE	ATTACHED TO BID	BLANK
BIDDER'S GENERAL QUESTIONNAIRE:				
	Attached	XX	XX	XX
	Not Attached			



[Click Here to Return to the MITN Administration Main Menu](#)

Downloading History for ITB-COT 03-37 Fertilizer

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 12/15/2003.

Document Title:	Three Year Requirements of Fertilizer & Weed Control
Date Issued:	11/18/2003
Close Date:	12/9/2003

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

<u>Acct #</u>	<u>Company Name</u>	<u>Service</u>	<u>Date Obtained Document</u>	<u>Date Obtained Amendments</u>
14928	1-800-GOT-JUNK?	E-mail		
15172	4 Control Inc.	Free	12/1/2003	
13870	A.G. Housey Company, Inc.	E-mail	11/18/2003	
12530	Accu-Steel Inc	E-mail		
13440	Advance Glove & Safety Co., Inc.	E-mail		
10239	Advanced Irrigation Systems, Inc.	Fax		
12306	Advanced Services Lawn and Landscape	E-mail		
13986	Advanced Tree Care, Inc.	E-mail	11/25/2003	
14952	All State Tree & Lawn, Inc.	E-mail	11/21/2003	
14581	American Sprinkler	E-mail		
11191	Artistic Outdoor Services Inc.	E-mail		
13377	Augusta Engine Parts Inc.	E-mail		
12114	B & B Lawn Service	Fax		
10927	B & L Landscaping	Fax	11/24/2003	
12886	Benquin Business Systems	E-mail		
14575	Biz-Tech, Inc.	E-mail		
15144	Carso, Inc.	Free	12/1/2003	
14019	Cornerstone Landscape Design, Inc.	E-mail		
11681	D and J Lawn and Snow Corp.	E-mail		

13953	Davey Commercial Grounds Management	Fax	11/25/2003	
11857	Digital CogniSense, Inc.	E-mail	11/19/2003	
14183	Donnelly Bros. Landscape & Snow Removal, Inc.	E-mail	11/18/2003	
15170	Durst Lumber Co.	Free	12/5/2003	
10657	Envision Enterprises	E-mail		
13905	Excell Landscaping	Free	11/19/2003	
11528	Fazal Khan & Associates	E-mail		
10091	Fitzgerald Henne & Associates	E-mail		
11201	Fosmore Trucking and Maintenance	E-mail		
10346	Fusion Communications	E-mail		
14623	Gene's Landscape Service Co.	E-mail		
10938	Great Lakes Landscaping & Construction Inc.	Fax	11/25/2003	
14169	Greentrees, Inc.	Fax		
13114	Jasso Tree Service, Inc.	Free	12/8/2003	
13603	JB Maintenance	E-mail		
14945	John Deere Landscapes	E-mail	11/28/2003	
15135	Kappy Industries Inc	Free	11/25/2003	
12606	KDS Landscape	Fax		
14108	Kevin's Lawn Care & Snow Removal	E-mail		
15113	KLM Bike & Fitness, Inc.	E-mail	11/25/2003	
14891	Lawn Barber Inc.	Fax		
13464	Loch Le Monde Landscapes	Free	11/20/2003	
10884	Maged Contracting, Inc.	Fax		
11638	Michigan Playgrounds, Inc.	E-mail		
11953	MichiSCAPE, Inc.	E-mail	11/21/2003	
11639	Mike's Tree Surgeons, Inc.	E-mail		
10426	Mt. Vernon Tree & Landscaping Inc.	E-mail		
14529	Northwood Contracting Incorporated	Fax		
11073	Oscar W. Larson Co.	E-mail		
10203	Owen Tree Service, Inc.	E-mail	11/19/2003	
10065	Payne Landscaping, Inc.	E-mail		
11072	Peltz Sodding, Inc.	Fax		
12313	platinum communications	E-mail		
11344	Premium Seives, Inc	E-mail		
10449	Pro Mow Lawn Services	Fax		
10207	Rasins Landscape & Assoc., Inc.	E-mail		
11720	Rolar Property Services Inc.	E-mail		
10401	Rumptz Landscape & Design	E-mail		
14349	Shemin Nurseries, Inc.	Free	11/19/2003	
12936	SHERMAN NURSERY FARMS	E-mail		
10703	Simplot Partners	E-mail	12/3/2003	

13730	SMART Management Group, LLC	E-mail		
12525	Somerset Cleaners	E-mail		
13914	Steele's Service's LLC	E-mail	12/7/2003	
10974	The Avrie Group, Inc.	E-mail		
13975	The Davey Co.	Free	11/26/2003	
11833	The Johnson Hill - Land Ethics Studio, Inc.	Fax		
13915	Tom's Landscaping & Nursery, Inc.	Fax		
14888	Torre & Bruglio, Inc.	Free	11/21/2003	
13602	Total Outdoor Services	E-mail		
13480	Tri-County Tree Expert Co., Inc.	E-mail	11/18/2003	
10658	Troy Clogg Landscape Assoc., LLC.	E-mail		
10389	Trugreen Chemlawn/Trugreen Landcare	E-mail	12/8/2003	
13019	Turfgrass Systems, LLC	E-mail		
11748	u design concepts inc.	E-mail		
10285	United Lawnscape, Inc.	Fax	12/3/2003	
13207	Walbridge Aldinger Company	E-mail		
14338	Washtenaw Inc., Maintenance Services	E-mail	11/18/2003	
14785	Weingartz	E-mail	12/1/2003	
14016	WH Canon, Inc.	Fax		
10604	white excavating company inc.	Fax		
14272	YARD NANNY LLC	Fax	11/25/2003	

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TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *agb*
Susan M. Lancaster, Assistant City Attorney *me*
DATE: January 8, 2004
SUBJECT: Maple Road Widening Condemnation Cases

The widening of Maple Road required the City of Troy and the City of Birmingham to jointly initiate condemnation cases to obtain 27-feet of frontage from two parcels in Troy (1501 Halo and 1495 Mapleway) and one parcel in Birmingham (2100 E. Maple Road). All of these parcels are owned by the same Limited Liability Company, Halo, with Linden Nelson as the authorized representative. Prior to the initiation of the condemnation actions, Birmingham and Troy negotiated three separate agreements setting forth the respective municipal obligations for the Maple Road improvement project. Pursuant to the terms of the right of way acquisition agreement, Birmingham is responsible for 100% of the acquisition costs for property in Birmingham, and 50% responsible for the acquisition costs of the Troy parcels.

Enclosed please find a proposed Consent Judgment for the Maple Road widening condemnation cases. This Judgment has been approved and executed by Defendants and their attorney, and is being presented simultaneously to both the City of Birmingham and the City of Troy at their respective January 12, 2004 meetings. The proposed judgment reflects Defendants' offer of settlement at \$825,000, plus statutory costs and fees.

If the Consent Judgments meets with your approval, please formally authorize the approval of the terms of the Consent Judgment, and authorize our office to execute the Consent Judgment on behalf of the City of Troy.

Please let us know if we can be of further assistance.

STEINHARDT PESICK & COHEN • PROFESSIONAL CORPORATION • ESSEX CENTRE • 28400 NORTHWESTERN HWY. • SUITE 120 • SOUTHFIELD, MI 48034-9346 • (248) 356-5888

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

CITY OF TROY, a Michigan municipal corporation, and CITY OF BIRMINGHAM, a Michigan municipal corporation,

Case No. 02-039697-CC
Case No. 02-039698-CC
Case No. 02-039699-CC

Plaintiffs,

Hon. Colleen A. O'Brien

v

2100 EAST MAPLE ROAD LLC, a Michigan Limited Liability Company; MAPLE LANE ACQUISITION LIMITED LIABILITY COMPANY, a Delaware Limited Liability Company; AID ASSOCIATION FOR LUTHERANS, a Wisconsin Corporation; GRAND TRUNK WESTERN RAILROAD CO. n/k/a GRAND TRUCK WESTERN RAILROAD INC., a Delaware Corporation, AMERITECH, a Michigan Corporation; THE DETROIT EDISON COMPANY, a Michigan Corporation; and AMERICAN TOWER DELAWARE CORPORATION, a Delaware Corporation, CONCORD CENTER OF TROY, DAVID W. LEE, MARY F. LEE; TTM TRAVEL SERVICES, INC., a Michigan Corporation; CREATIVE CONCEPTS IN ADVERTISING, INC., a Michigan Corporation,

CONSENT JUDGMENT

Defendants.

CITY OF TROY- CITY ATTORNEY'S OFFICE
By: Lori Grigg Bluhm (P46908)
Attorney for Plaintiffs
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320

KERR, RUSSELL AND WEBER, PLC
By: Robert R. Nix, II (P18312)
And: Fred K. Herrmann (P49519)
Attorneys for Defendant
Aid Association for Lutherans
n/k/a Thrivent Financial for Lutherans
500 Woodward Avenue, Suite 2500
Detroit, MI 48226
(313) 961-0200

STEINHARDT PESICK & COHEN
Professional Corporation
By: H. Adam Cohen (P47202)
And: Jason C. Long (P59244)
Attorneys for Defendants
2100 East Maple Road, L.L.C. and
Maple Lane Acquisition Limited
Liability Company, only
28400 Northwestern Highway, Suite 120
Southfield, MI 48034
(248) 356-5888

CONSENT JUDGMENT

At a session of said Court held in the City of
Pontiac, County of Oakland, State of
Michigan
on _____

PRESENT: HONORABLE COLLEEN A. O'BRIEN
CIRCUIT JUDGE

The Plaintiff Cities of Troy and Birmingham ("Plaintiffs") having filed these three condemnation actions on April 3, 2002 (the "Actions"), and the Actions having been consolidated, and the parties having settled the Actions, and the Court being duly and fully advised in the premises;

IT IS HEREBY ORDERED AND ADJUDGED as follows:

A. On or before January 31, 2004, Plaintiffs shall deliver to Steinhardt Pesick & Cohen, Professional Corporation ("SP&C"), the following checks:

1. Principal just compensation in the amount of \$825,000.00 (the "Award"), less the previously paid estimated just compensation in the amount of \$325,000.00 ("EJC"), payable to Aid Association for Lutherans n/k/a Thrivent Financial for Lutherans ("AAL"), 2100 East Maple Road, L.L.C. ("2100 East"), and Maple Lane Acquisition Limited Liability Company ("Maple Lane"). The difference between the Award and the EJC, in the amount of \$500,000.00, is hereinafter referred to as the "Increase."

2. Pursuant to MCL 213.65, Interest on the Increase ("Interest") from April 17, 2002 through and including January 31, 2004, in the amount of \$44,671.24, payable to AAL, 2100 East, and Maple Lane.

3. In accordance with MCL 213.66 and the Michigan Court Rules, reimbursement of the following costs incurred by Defendants in connection with these Actions:

- a. Real estate appraisal services in the amount of \$21,700.00, payable to Andrew Chamberlain, 2100 East, and Maple Lane;
- b. Engineering related services in the amount of \$3,285.00, payable to Clif Seiber, 2100 East, and Maple Lane;
- c. Professional landscape valuation services in the amount of \$1,817.50, payable to Robert Cool; and
- d. Professional photography services and other costs advanced by SP&C in the amount of \$1,578.48, payable to SP&C.

4. In accordance with MCL 213.66 and Stipulated Orders for Payment of Estimated Just Compensation and Surrender of Possession entered in the Actions, reimbursement of the attorneys' fee incurred by 2100 East and Maple Lane equal to one-third of the Increase and interest thereon, in the total amount of \$181,557.08, payable to SP&C.

B. Defendants 2100 East and Maple Lane shall perform any and all work on the properties which are the subject of the Actions that those Defendants deem necessary, in their sole and absolute discretion, to cure any damage caused by Plaintiffs' takings.

Jan 07 04 12:33p

Linden Nelson

2487379073

P. 1

01/07/2004 10:58 FAX 2483565889

STEINHARDT PESICK COHEN

006

C. This Consent Judgment resolves the last pending claim and closes this case.

HONORABLE COLLEEN A. O'BRIEN
CIRCUIT JUDGE

STIPULATION FOR ENTRY OF CONSENT JUDGMENT

All parties, by and through undersigned counsel, stipulate to entry of this Consent Judgment.

Susan M. Lancaster (P33168)
Attorneys for Plaintiffs

Fred K. Herrmann (P49519)
Attorneys for Defendant
Aid Association For Lutherans
n/k/a Thrivent Financial for Lutherans

H. Adam Cohen (P47202)
Attorneys for Defendants
2100 East Maple Road, L.L.C. and
Maple Lane Acquisition Limited
Liability Company

2100 East Maple Road, L.L.C.

By: _____

Its: Meunier

Maple Lane Acquisition Limited
Liability Company

By: _____

Its: Meunier

January 7, 2004

TO: John Szerlag, City Manager

FROM: Mary Redden, Office Coordinator

SUBJECT: Agenda Item – Standard Purchasing Resolution 10
Travel Authorization and Approval to Expend Funds
for Troy City Council Members' Travel Expenses -
2004 MML Legislative Conference

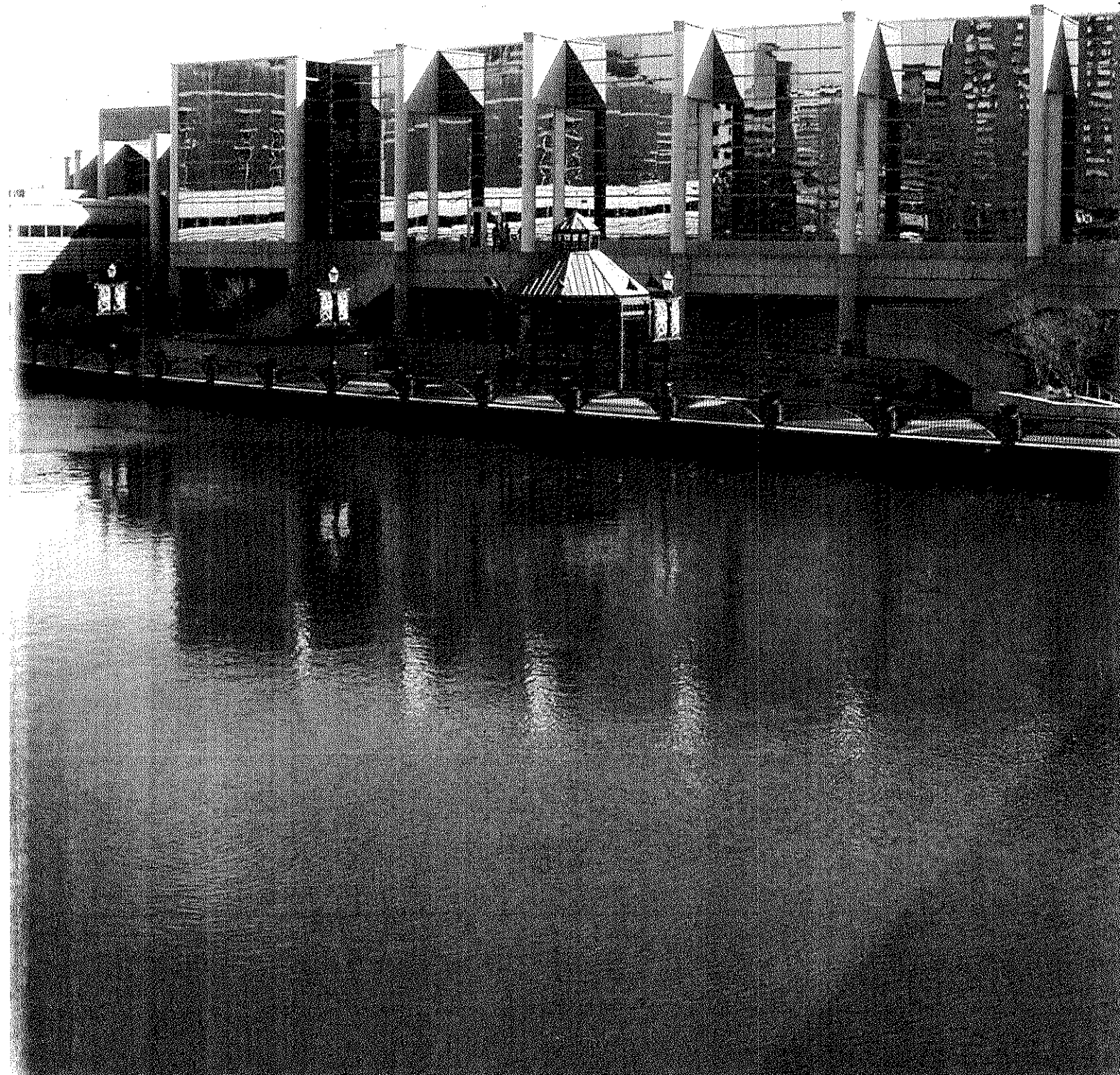
Attached are registration materials for the 2004 MML Legislative Conference that will be held at the Lansing Center on March 24, 2004.

Authorization for Council attendance of the conference is requested.

Council Members may send completed registration forms to me and I'll take care of payment using our department's procurement card.

2004 MML Legislative Conference

Join Michigan's Municipal Leaders at the Lansing Center on March 24, 2004.

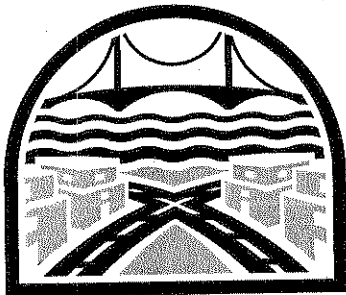




Jim Sinclair, President,
Michigan Municipal League

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**MICHIGAN
MUNICIPAL
LEAGUE**

Dear Municipal Colleague:

I don't have to tell you that as each new day dawns, our cities and villages are facing daunting challenges. From declining local tax bases and cuts in community funding, to the endless blizzard of new federal and state regulations and mandates, our ability to provide critical services to our citizens is being put to the test like never before.

That is why your personal involvement in the 38th Annual Michigan Municipal League Legislative Conference is so critically important.

In Lansing, the Legislature will be working with the Governor on solutions to the state's ongoing budget crisis and on land use legislation that could change Michigan forever. On Capitol Hill in Washington, the U.S. Congress continues to grapple with national security concerns as members of Michigan's congressional delegation push for a greater share of federal transportation funding during the debate over the new federal highway bill. It all adds up to more challenges and opportunities for us as local decision makers.

The MML Legislative Conference helps all of us find answers to tough questions. It also gives us direct access to the decision makers who will shape the policies that govern how we run our communities. It is our annual front row seat to the fast paced action in Lansing and Washington.

Don't miss this once a year opportunity to meet one-on-one with your legislators and let them know where you stand on critical issues. I look forward to seeing you at the 38th Annual MML Legislative Conference on Wednesday March 24 at the Lansing Center. Let's keep the momentum going. Remember, we are stronger together!

Sincerely,

Jim Sinclair

President, Michigan Municipal League

Youth Delegates

You are encouraged to bring youth from your community, ages 15-19, to the Legislative Conference. **Youth registration is free.** The only costs for youth delegates are luncheon and reception tickets.

A special tour of the Capitol has been scheduled for 3:30 p.m. on Wednesday for youth delegates. Please check the Capitol Tour box on the youth registration form if your youth delegate will be taking this special tour.

Please note that sponsoring municipalities will be responsible for the supervision of all activities of any youth accompanying municipal delegates to the conference.

In particular, the sponsoring municipality shall be responsible for making lodging and all travel arrangements to and from the conference for the youth delegate and shall be responsible for general supervision of the youth delegate while in attendance at the conference, including attendance at League events and programs and at the hotel. The cost of travel and lodging is the responsibility of the host municipality.

Register youth by completing the Youth Registration Form and by checking the Youth Delegate box on your delegate registration form. Please also note that the form must be signed by a parent or guardian. We cannot use pictures of youth delegates unless we have a release form signed by a parent or guardian.

Michigan Women in Municipal Government Annual Eggs & Issues Breakfast Forum

Date: Wednesday, March 24, 2004
Time: 7:00 a.m.
Location: Lansing Center
Cost: \$20.00

Begin the day with other women holding leadership roles. The breakfast presents the opportunity for local government officials to share ideas and solutions and to hear updates on issues pertinent to municipalities. Senators and Representatives are invited to attend and take part in the discussions.

Use the Delegate Registration Form to reserve your ticket. Tickets must be paid for in advance.

Michigan Association of Municipal Clerks

Date: Wednesday, March 24, 2004
Time: 2:15 p.m.
Location: Lansing Center
Cost: No Charge for MAMC Session

Municipal clerks converge on the Legislative Conference to network and receive updates on elections and other issues.

Clerks who attend both the Legislative Conference and the MAMC meeting should pay the full Legislative Conference registration fee, which includes lunch and reception tickets.

There is no charge for the MAMC session. However, clerks who attend only this session may wish to purchase lunch and/or legislative reception tickets.

Use the Delegate Registration Form to reserve your tickets.

Headquarters Hotel Housing Reservation Form

1. How to make hotel reservations:

The Radisson Hotel, Lansing, is the headquarters hotel. MML has reserved a room block there. Please make your hotel reservations directly with the hotel. All hotel reservations are on a first-come, first-served basis.

Please submit this form when mailing in your reservation. Reservations may also be made by calling 1-800-333-3333 and specifying group name and dates in Lansing, Michigan or by logging on to www.radisson.com/lansingmi. Use the promotional code MML04 to receive the discounted group rate.

Reservation made after February 21, 2004 will be accepted on a space availability basis only.

2. Mail this form to:

Radisson Hotel, 1111 North Grand Ave., Lansing, MI 48933
Phone: 517-482-0188 Fax: 517-487-6646

Flat Rate, \$118 (plus 5% city occupancy and 6% state sales tax and \$5 per night valet parking fee)

3. Arrival/Departure:

Arrival Date _____ Departure Date _____
Check in is 4:00 p.m. Check out is 12:00 Noon

4. Check type of room requested:

- ☐ Single: 1 person, 1 bed ☐ Double: 2 people, 1 bed
☐ Double: 2 people, 2 beds ☐ Quad: 3-4 people, 2 beds

5. Hotel should confirm reservation to:

Name _____
Address _____
City _____
State and Zip _____
Daytime Phone _____

6. Reservations must be accompanied by deposit:

Include a check for one nights deposit or Credit Card Number. Credit Card will be charged one nights deposit at time of reservation.

____ Check ____ Visa ____ Master ____ AmEx ____ Discover

Number _____ Expiration Date _____

Name on Card _____

Signature of Cardholder _____

Reservations not cancelled by 6 pm on the day of arrival will be charged one night's room and tax.

7. Special room request:

- ☐ Non-Smoking Room
☐ Smoking Room or No Preference
☐ Other _____

Pre-Conference Sessions

All Pre-Conference Sessions are **Tuesday, March 23 at the Lansing Center 517-483-7400**. Please register for these workshops on the form below. For a brochure on any of these MML seminars, call 734-662-3246 or visit the League's web site at www.mml.org.

Pre-Conference Sessions Registration Form

Municipality _____
Name _____ Title _____
Street Address _____
Zip Code _____ Daytime Phone _____
Fax Number _____ Email Address _____
First Name for Badge _____

Pre-Conference Sessions

- ☐ **Basics for New (and Veteran) Elected Officials (04C-01)** – When registered one week before the program, Member cities and villages, \$109; Other units of government, \$145; Non-members \$190. Less than one week before the program add \$35 to the fee.
- ☐ **MAMA 18th Annual Advanced Institute (04C-02)** – When registered one week before the program, Member cities and villages, \$109; Other units of government, \$145; Non-members \$190. Less than one week before the program add \$35 to the fee.
- ☐ **Human Resource Systems & Best Practices (04C-03)** – When registered one week before the program, Member cities and villages, \$109; Other units of government, \$145; Non-members \$190. Less than one week before the program add \$35 to the fee.
- ☐ **Budgeting with Revenue Sharing Cuts (04C-04)** – When registered one week before the program, Member cities and villages, \$30; Other units of government, \$45; Non-members \$80. Less than one week before the program add \$35 to the fee.
- ☐ **When MIOSHA Visits (04C-05)** – When registered one week before the program, Member cities and villages, \$109; Other units of government, \$145; Non-members \$190. *Less than one week before the program add \$35 to the fee.
- ☐ **Impact of Changing from a Village to a City (04C-06)** – When registered one week before the program, Member cities and villages, \$30; Other units of government, \$45; Non-members \$80. *Less than one week before the program add \$35 to the fee.

Method of Payment:

- ☐ Check # _____
(Payable to Michigan Municipal League)
- ☐ Visa/Mastercard/Discover/AmX # _____ Expiration Date _____
Name as it appears on card _____
Signature of cardholder _____

To Register:

1. Fax form to 734-662-8083.
2. If paying by check please mail this form along with a check payable to the Michigan Municipal League, to MML Education Services, P.O. Box 7409, Ann Arbor, MI 48107-7409. Credit card payments may be faxed or mailed to MML, P.O. Box 1487, Ann Arbor, MI 48106-1487.
3. For a copy of MML's Registration Policies visit www.mml.org/education/calendar/registration_policies.htm or call 734-662-3246.

Basics for New (and Veteran) Elected Officials EOA

Tuesday, March 23, 2004

This session is not only for those recently elected, but for every elected official who wants to serve his or her municipality more effectively. This day-long session will clarify many of the issues that have arisen since assuming your duties, and covers basic information about the responsibilities of your office. You will be able to improve your skills to be a more effective local official. Networking is also an essential skill for an elected official. This session will provide you with opportunities to net-

work with new and experienced elected officials. Conducting meetings, Open Meetings Act, and Working with the Media are some of the topics that will be covered. (04C-01)

- Check-in 8:30 a.m.; Begin 9:00 a.m.; Lunch; Adjourn 4:00 p.m.
- Speaker – A Panel of Experienced Speakers
- Credits: CEU .6, EOA 6

Michigan Association of Municipal Attorneys (MAMA) 18th Annual Advanced Institute

Tuesday, March 23, 2004

This year's institute will feature Lynn Jondahl, chairman of the State Board of Ethics, a state representative from the East Lansing area from 1973 to 1994 and the current executive director of Michigan Prospect, a nonprofit public policy institute, founded to develop progressive public policies. Also featured will be Ruth Carter, Corporation Counsel for the City of Detroit. She will be discussing Detroit's experience with the independent monitor who is to oversee the Detroit Police Department in an effort to end the federal government's two-year investigation of civil rights abuses. A view from the Native American legal perspective will be presented by Tribal Chairman, Frank Ettawageshik, Little Traverse Bay Bands of Odawa Indians. Patrick L. Rose, attorney, Lansing, will discuss discovery issues regarding electronic databases. Other topics of interest to municipal attorneys will be presented, including the state property maintenance code, sign and billboard legal developments, legislative update and the perennial favorite "cracker barrel," where attorneys have an opportunity to exchange experiences, issues and conundrums. (04C-02)

- Check-in 8:30 a.m.; Begin 9:00 a.m.; Lunch; Adjourn 4:00 p.m.
- Speakers – Lynn Jondahl, Ruth Carter, Frank Ettawageshik, Patrick Rose and others
- Credits: CEU .6

Human Resource Systems & Best Practices

EOA

Tuesday, March 23, 2004

This program is designed to offer a comprehensive overview of human resource system best practices. You will obtain valuable insights into such issues as:

- Recruitment & Selection (Hiring Do's & Don'ts)
- FLSA Designations (Exempt/Non-Exempt, child labor)
- Personnel Files, Recordkeeping & Posting Requirements
- Personnel Policies and Procedures
- Job Analysis and Job Descriptions
- Compensation System Design & Administration
- Managing Performance/Performance Evaluation
- Employee & Labor Relations
- Workplace Violence/Safety & Security
- Harassment Policy/Internal Investigations
- FMLA
- Promoting strong organizational morale (04C-03)

- Check-in 8:30 a.m.; Begin 9:00 a.m.; Lunch; Adjourn 4:00 p.m.
- Speaker – A Panel of Experienced Speakers
- Credits: CEU .6, EOA 6

Budgeting with Revenue Sharing Cuts

EOA

Tuesday Afternoon, March 23, 2004

Increased personnel costs vs. additional cuts in revenue sharing – how do you make these two "givens" result in a balanced budget? A panel of managers who have successfully faced these challenges in the past year or so, backed up by the expertise of Plante & Moran, will provide an understanding of the challenges your municipality faces as well as some tools to help you solve them.

Adopting the yearly budget may well be the single most important action a council takes each year. Understanding the impact on the community of each addition or cut is vital to the economic health of your city or village. (04C-04)

- Check-in 12:30 p.m.; Program 1:00 - 4:00 p.m.
- Speaker – A Panel of Experienced Speakers
- Credits: CEU .3, EOA 3

When MIOSHA Visits

EOA

Tuesday, March 23, 2004

In the morning attendees will gain an insight into the process and procedures a MIOSHA compliance officer follows while conducting a workplace inspection and how to respond to MIOSHA citations. The top safety violations will be highlighted while attendees learn to identify and control workplace hazards that could lead to accidents.

The afternoon portion of the program is designed to help employers ensure that their organization complies with MIOSHA recordkeeping requirements as contained in MIOSHA Administrative Rules Part 11, Recording and Reporting of Occupational Injuries and Illnesses. In addition to learning and understanding the "recordability" of work related injuries and illnesses, attendees will actively participate in a group exercise. (04C-05)

- Check-in 8:30 a.m.; Begin 9:00 a.m.; Lunch; Adjourn 4:00 p.m.
- Speaker – Debra Gundry
- Credits: CEU .6, EOA 6

Impact of Changing from a Village to a City

EOA

Tuesday Afternoon, March 23, 2004

Since 1931 there has been a steady conversion of villages to cities in Michigan. This trend may indicate that there are certain advantages to be gained by changing to the city form of government.

This training session presents an objective analysis of the factors which may influence a decision to remain a village or to seek city status. A secondary objective is to compare city government with village government for citizens of built-up township areas, who may be considering some form of municipal incorporation. (04C-06)

- Check-in 12:30 p.m.; Program 1:00 - 4:00 p.m.
- Speaker – A Panel of Experienced Speakers
- Credits: CEU .3, EOA 3

2004 MML Legislative Conference

Lansing Center, Lansing -- Wednesday, March 24, 2004

Delegate Registration Form

Three Ways to Register:

1 Fax this form **with credit card payment** to 734-662-8083

2 Mail this form **with check** payable to Michigan Municipal League to MML Legislative Conference
PO Box 7409
Ann Arbor, MI 48107-7409

3 Mail this form **with credit card payment** to MML Legislative Conference
PO Box 1487
Ann Arbor, MI 48106-1487

Municipality

Name

Title

Business/Municipal Address

City, State, Zip

Daytime Phone

Fax Number

Email Address

First Name for Badge

☐ I will be bringing a youth from my city/village.
(Please complete the Youth Registration Form)

☐ I will be bringing a guest.
(Please complete the Guest Registration Form)

☐ If you require special accommodations related to facility access, communication and/or diet please describe your requirements. We are not able to accommodate such requests on site. (FA)

Registration Fee

Includes sessions, handouts, lunch & reception tickets.

\$150 if received by February 18, 2004\$ (AA)

\$185 if received after February 18, 2004\$ (AB)

\$255 Non member Fee\$ (AC)

Tickets for Related Functions

\$20 Michigan Women in Municipal Government
Annual Eggs & Issues Breakfast Forum\$ (DA)

☐ Michigan Association of Municipal Clerks Meeting (EA)
(No fee for this meeting.)

Guest/Youth Event Totals

Guest Event Total\$

Youth Event Total\$

Total \$

Payment Information

Please check one:

☐ Check ☐ Visa ☐ MasterCard ☐ Discover ☐ AmX

Check #

Card # Expiration Date

Cardholder Name

Authorized Signature

Cancellation Policy

All cancellations must be submitted in writing and are subject to a \$60.00 cancellation fee. No refunds will be given for cancellation requests received after Wednesday March 17, 2004. Mail cancellation requests to MML, P.O. Box 1487, Ann Arbor, MI 48106-1487 or FAX them to 734-662-8083.

Pre-conference Sessions

To register for pre-conference sessions, use the Pre-Conference Sessions Registration Form.

Guest Registration Form

1. Only one guest registrant per form, please. You may duplicate this form as necessary.

Municipality: _____

Name of Guest: (BA) _____

Nickname for Badge: _____

Name of Delegate: _____

2. Guest Event Tickets

Fee Amount

☐ Luncheon \$25 _____ (DB)

☐ Legislative Reception \$25 _____ (DC)

Guest Total Fee _____

Please write this amount on the line for
"Guest Event Total" on the delegate registration form.

3. Special Needs

- ☐ If you require special accommodations related to facility access, communication and/or diet please describe your requirements. We are not able to accommodate such requests on site. (FA)

4. Cancellation Policy

Cancellation requests may be made in writing to MML, P.O. Box 1487, Ann Arbor, MI 48106-1487; or by fax to 734-662-8083. Cancellations must be received by March 17, 2004.

Please mail or fax this form with the delegate legislative conference registration form & payment.

Additional Housing

The Radisson Hotel, Lansing, is the headquarters hotel. MML has reserved a room block there. See the reservation form on page 3. The Sheraton Hotel and the Fairfield Inn by Marriott also have room blocks for our members.

Sheraton Hotel, Lansing

925 S. Creyts Rd., Lansing, MI 48917
Phone: 517-323-7100; Fax: 517-627-5240

Single \$65 or Double \$85 (plus 4% room assessment and 6% state sales tax) After February 21, 2004 reservations accepted on space availability basis only.

Fairfield Inn by Marriott

2335 Woodlake Dr, Okemos, MI 48864
Phone: 517-347-1000; Fax: 517-347-5092

Single or Double \$59 (plus 5% room assessment and 6% state sales tax) After March 8, 2004 reservations accepted on space availability basis only.

Youth Registration Form

1. Only one youth registrant per form, please. You may duplicate this form as necessary.

Municipality: _____

Name of Youth: (CA) _____

Nickname for Badge: _____

Name of Sponsor: (CB) _____

Sponsor's Daytime Phone: _____

2. Photo Release

During the Conference we take photographs of events and sessions. Please have the youth's parent or guardian complete the section below so that we may use photographs that include youth.

* * * * *

I grant my permission for photographs taken at the Michigan Municipal League Legislative Conference that include my son/daughter to be published in the following ways. (Please check the boxes representing the media you are granting permission for.)

☐ MML printed materials (CC)

☐ local newspapers or other publications (CD)

☐ MML promotional CD (CE)

☐ MML web site (CF)

Parent/Guardian Signature: _____

Date: _____

3. E-mail address to receive group photo file

4. Youth Event Tickets

Fee Amount

☐ Luncheon \$25 _____ (DB)

☐ Legislative Reception \$25 _____ (DC)

Youth Event Total _____

Please write this amount on the line for
"Youth Event Total" on the delegate registration form

5. Special Needs

- ☐ If you require special accommodations related to facility access, communication and/or diet please describe your requirements. We are not able to accommodate such requests on site. (FA)

6. Capitol Tour

☐ Youth delegate will attend Capitol Tour (CG)

7. Cancellation Policy

Cancellation requests may be made in writing to MML, P.O. Box 1487, Ann Arbor, MI 48106-1487; or by fax to 734-662-8083. Cancellations must be received by March 17, 2004.

Please mail or fax this form with the delegate legislative conference registration form & payment.



Join us for our annual
Legislative Conference Kick-Off Party

Lansing Center, March 23, 5:00 - 7:00 p.m.

Those risk management people at the Michigan Municipal League are at it again! Two years ago it was a polka band and men on stilts. Last year it was Irish dancers and a leprechaun. This year it's a Hawaiian Luau, complete with women in grass skirts, Polynesian dancing and maybe even some tiny bubbles. You may not see a roast pig, but you can bet your big kahuna there will be plenty to eat and drink.

Once again, it won't cost you a dime. The League's Liability and Property Pool, Meadowbrook Insurance Group, Plunkett & Cooney, P.C. and Munder Capital Management are digging deep in these difficult economic times to throw one heck of a party. It's our way of saying "thanks" for helping the MML be one of the most effective municipal organizations in the country.

Please send address and recipient corrections to Susan Vasher at
MML, P.O. Box 1487, Ann Arbor, MI 48106-1487; phone 800-653-2483;
fax 734-662-8083; or email svasher@mml.org. Thank you.

PRE-SORTED-STD
U. S. POSTAGE PAID
PERMIT NO. 87
ANN ARBOR, MI.





*****3-DIGIT 480

12920
A. JOHN SZERLAG
CITY MANAGER
TROY
500 W. BIG BEAVER RD.
TROY MI 48084-5254

December 30, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer 
John Abraham, Deputy City Engineer/Traffic Engineer 

SUBJECT: Approval of Contract with MDOT for Phase I of the Travel Demand Management (TDM) Program
Project No. 02.105.5

RECOMMENDATION

Staff recommends that City Council approve the attached contract with the Michigan Department of Transportation for the development of Phase I of the Travel Demand Management (TDM) Program for the City of Troy. Furthermore, staff recommends that the Mayor and City Clerk are authorized to execute the agreement.

SUMMARY

Federal Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$48,750 will be obligated for Phase I of the TDM Program if approved by the City and MDOT. The estimated local match by the City is \$12,187.50. The attached contract is a part of the obligation of these federal funds.

The TDM Program will use a consultant who will evaluate the existing traffic conditions within the City and propose various TDM measures. The study may include meetings with area businesses, the public in general and questionnaire surveys as required. Phase I will also outline a step by step process to implement a TDM Program in the City. Phase II would involve implementation of the Phase I recommendations. We will seek funding for Phase II of the TDM Program at the conclusion of Phase I.

The Engineering Department will be advertising for Proposals to complete the study required by Phase I. Once the selection process is complete, staff will forward a recommendation to City Council for their approval.

The City of Troy is the first agency to receive Federal CMAQ funds for this type of project.

FUNDING

Funds are available for Phase I of the TDM Program in the 2003/2004 Major Roads fund, account number 401479.7989.021055.

STP
FORCE ACCOUNT
MODIFIED PART II

DIR	
Control Section	CM 63900
Job Number	59108
Project	CM 0363 (065)
Federal Item No.	RR 3814
CFDA No.	20.205
Contract No.	03-5610

PART I

THIS CONTRACT, consisting of PART I and PART II (Modified Standard Agreement Provisions), is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF TROY, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the performance by the REQUESTING PARTY of the following improvements in the City of Troy, Michigan, is hereinafter referred to as the "PROJECT":

Development of Phase I of the Travel Demand Management Program for the City of Troy, Michigan; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s):

CONGESTION MITIGATION AND AIR QUALITY

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto approve of and shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as all the costs necessary for the performance of the PROJECT work, including any costs incurred by the DEPARTMENT as a result of this contract.

3. The REQUESTING PARTY will perform or cause to be performed all the PROJECT work. The method of performing the work will be indicated on the work authorization.

4. The PROJECT COST shall be met in part by contributions by the Federal Government. Federal Congestion Mitigation and Air Quality Funds shall be applied to the eligible items of the PROJECT COST at the established Federal participation ratio equal to 80 percent up to an amount not to exceed \$48,750.00. The balance of the PROJECT COST, after deduction of Federal Funds, shall be paid by the REQUESTING PARTY. The PROJECT COST and the cost participation are estimated to be as follows:

<u>ESTIMATED COST</u>	<u>FEDERAL AID*</u>	<u>REQUESTING PARTY'S SHARE</u>
\$60,937.50	\$48,750.00	\$12,187.50

*The Federal Funds which shall be applied to the eligible items of PROJECT COST are limited to the amount provided herein. Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

5. A working capital deposit is not required for the PROJECT.

6. The contracting parties do hereby agree to be bound by all of the provisions and conditions set forth in PART II hereof which are applicable to the PROJECT.

In the event of any inconsistency between PART I and PART II of this contract, the provisions of PART I shall prevail.

7. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the state and/or the FHWA.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT does not relieve the REQUESTING PARTY and the local agencies, as applicable, of their exclusive jurisdiction of any of their highways and responsibility under MCL 691.1402, MSA 3.996(102).

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT is performing a governmental function, as that term is defined in MCL 691.1401; MSA 3.996(101), which is incidental to the completion of the PROJECT.

8. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of any REQUESTING PARTY highway, for purposes of MCL 691.1402; MSA 3.996(102). Exclusive jurisdiction of such highway for the purposes of MCL 691.1402; MSA 3.996(102) rest with the REQUESTING PARTY and other local agencies having respective jurisdiction.

9. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

10. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolution approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

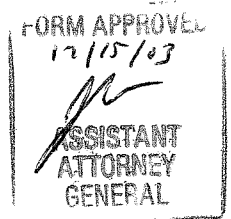
CITY OF TROY

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By _____

By _____
Department Director MDOT

By _____



DOT

BUREAU OF HIGHWAYS
NON CONSTRUCTION
03-15-93

PART II
MODIFIED

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

- A. All work shall be performed in accordance with the requirements and procedures of the DEPARTMENT
- B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.
- C. In conformance with FAPG (23 CFR 630C): Project Agreements, the parties to this contract, on those Federally funded projects which exceed a total cost of \$100,000.00 stipulate the following with respect to their specific jurisdictions:
 - 1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
 - 2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
 - 3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.
- D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.
- E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

- A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.
- B. On those projects funded with Federal monies, the DEPARTMENT shall, as may be required, secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.
- C. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than \$25,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

- D. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

- E. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.
- F. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.
- G. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.
- H. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 201, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.
- I. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.
- J. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.
- K. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.
- L. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate arrangements to conveniently and

reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, P.L. 98-502.

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

- a. Agencies expending a total of \$300,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

The Reporting Package
The Data Collection Form
The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than \$300,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant numbers(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Transportation
Bureau of Highways Technical Services
425 W. Ottawa, P.O. Box 30050
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.
3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FAPG Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than \$1,000.00 shall be submitted unless it is a final or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number _____", or

"Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.
5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.
6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. General Conditions:

1. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.
2. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to

withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

SECTION IV

SPECIAL PROGRAM AND PROJECT CONDITIONS

- A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.
- B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.
- C. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.
- D. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.
6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.
7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.
9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

March, 1998

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) Cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:**

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:**

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

January 8, 2004

TO: John Szerlag, City Manager

FROM: Gary Shripka, Assistant City Manager/Services
Brian Stoutenburg, Library Director

SUBJECT: Agenda Item - Appointment of Historic District Study Committee

At the November 17, 2003 City Council Meeting, Council passed Resolution #2003-11-582 that in part states: That a Historic District Study Committee shall be appointed by the Troy City Council no later than the second meeting in January, 2004.

This Committee is to be comprised of a majority of persons who have clearly demonstrated interest in or knowledge of historic preservation, and at least one member is to be a member of the Historic District Commission, and that there should be representation from at least one other duly organized local historic preservation organization.

At this time, only four applications have been received by the Clerk's Office for consideration for appointment, and not all of the requirements for the formation of the Committee are met by those four individuals.

It is recommended that the date for appointment of the Committee be set forward to the February 16, 2004 City Council Meeting providing more time for interested people to submit applications.

A meeting of the **Troy Youth Council (TYC)** was held on Wednesday, November 12, 2003 PM at the Community Center (Room 503), 3179 Livernois Road. Christina Krokosky called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Emily Burns
Allister Chang
Chris Cheng
Juliana D'Amico
Monika Govindaraj
Eric Gregory
Maniesh Joshi
Andrew Kalinowski
Christina Krokosky
Matthew Michrina
Manessa Shaw

MEMBERS ABSENT: Min Chong
Raymond Deng
Catherine Herzog
David Vennettilli
YuJing Wang

ALSO PRESENT: Laura Fitzpatrick, Assistant to the City Manager

1. Roll Call
2. Approval of Minutes

Resolution # TY-2003-11- 012

Moved by Shaw

Seconded by D'Amico

RESOLVED, That the minutes of 9/17/03 and 10/22/03 be approved.

Yes: All – 11

No: None

Absent: Chong, Deng, Herzog, Vennettilli, Wang

MOTION CARRIED

3. **Attendance Report:** Noted and Filed
This meeting: 11 present, 5 absent – all gave prior notification.
4. **Motion to Excuse Absent Members**

Resolution # TY-2003-11- 013

Moved by Kalinowski

Seconded by Shaw

RESOLVED, That Chong, Deng, Herzog, Vennettilli, and Wang be excused.

Yes: All – 11

No: None

Absent: Chong, Deng, Herzog, Vennettilli, Wang

MOTION CARRIED

5. **Civic Center Priority Task Force:** Report from Shaw: Shaw solicited input on how the youth could use the site in light of proposed elements. Comments will be incorporated into report to be presented to City Council in January.
6. **Visitor: Kathy Rice, Librarian:** Talked about the opportunity to be a Teen Resource Assistant at the Library's Teen Resource Center. Applications were distributed.
7. **Cool Cities Initiative Advisory Group:** Copies of report distributed. Report from CCIAG members D'Amico, Shaw, Gregory and Burns; Discussion among the group re: the insights in the report. Fitzpatrick to send newspaper article to entire TYC.
8. **Holiday Charity Box for a Needy Family:** Fitzpatrick had secured a Detroit family. TYC expressed an interest in helping a Troy family. Fitzpatrick to investigate finding a Troy family. Watch email and snail mail for instructions. Emily Burns to chair the project.
9. **Future Meetings:** December: Holiday Charity Box and TYC Goals for 2004

Reminder Next Meeting: **Dec 17th 7:00 P.M.**
Location: **COMMUNITY CENTER ROOM 503**

The meeting adjourned at 7:42 p.m.

Christina Krokosky, Co-chair

Laura Fitzpatrick, Assistant to the City Manager

LIBRARY BOARD MINUTES - FINAL

NOVEMBER 13, 2003

A Regular Meeting of the Troy Library Board was held Thursday, November 13, 2003 at the Office of the Library Director. Joanne Allen, Chairman, called the meeting to order at 7:30 P.M.

ROLL CALL

PRESENT: Joanne Allen
 Lynne Gregory
 Brian Griffen
 Audre Zembrzuski
 Steve Zhang, Student Rep.
 Brian Stoutenburg, Library Director

ABSENT: Nancy Wheeler

The Pledge of Allegiance to the Flag was given.

Due to personal commitments, Wheeler was unable to attend.

Resolution #LB-2003-11-001

Moved by Zembrzuski

Seconded by Gregory

RESOLVED, That Wheeler's absence be excused.

Yes: 4—Allen, Gregory, Griffen, Zembrzuski

No: 0

MOTION CARRIED**MOVED, TO APPROVE THE MINUTES OF THE MEETING OF OCTOBER 9, 2003.****Resolution #LB-2003-11-002**

Moved by Griffen

Seconded by Zembrzuski

RESOLVED, That the Minutes of October 9, 2003 be approved

Yes: 4—Allen, Gregory, Griffen, Zembrzuski

No: 0

MOTION CARRIED

Reviewed Agenda entries

Resolution #LB-2003-11-003

Moved by Gregory

Seconded by Zembrzuski

RESOLVED, That the Agenda be approved

Yes: 4—Allen, Gregory, Griffen, Zembrzuski

No: 0

MOTION CARRIED

REGULAR BUSINESS

Reviewed the Behavior Policy.

Resolution #LB-2003-11-004

Moved by Gregory

Seconded by Zembrzuski

RESOLVED, That the Behavior Policy be approved.

Yes: 4—Allen, Gregory, Griffen, Zembrzuski

No: 0

MOTION CARRIED

Reviewed the 2004 Library Closing Dates.

Resolution #LB-2003-11-005

Moved by Gregory

Seconded by Zembrzuski

RESOLVED, That the 2004 Library Closing Dates be approved

Yes: 4—Allen, Gregory, Griffen, Zembrzuski

No: 0

MOTION CARRIED

A Report was given regarding Bloomfield Hills residents being able to buy a non-resident card for \$100 per family for one year to use our Library and those in the Suburban Library Cooperative. The City of Bloomfield Hills will reimburse all of their residents who purchase a non-resident card, the \$100 fee. This has come about by

Bloomfield Hills and Bloomfield Township deciding not to renew their library services contract.

REPORTS & COMMUNICATIONS

Director's report.

The International Collection in Adult Services was moved to behind the Reference Desk giving it much more visibility and freeing up space in the Teen Resource Center. The Children's picture book area was rearranged to give a more open look and making access to materials easier. The upholstery bid for the study and some lounge chairs will be opened on December 3, 2003. The library was nominated by patrons for the State Librarian's Award for Excellence, and while we did not win this year we were in the top five.

Board Member comments.

Zembrzuski said that Kathy Rice, Teen Librarian, had a nice group of people in the Teen area. She also asked if we could try a circulation station in the Youth Services department to alleviate traffic at the main circulation desk. Gregory reported that the Clinton-Macomb Library had its grand opening, that the SLC Board passed a policy on Patron Card Renewal, and that because he was elected Vice Chair of SLC, he will assume the Chairmanship next year. Gregory also reported that upgrades to SpamLion, for email protection have been installed, the SLC training center lab has been reconfigured, and that SLC will begin publishing a quarterly newsletter. Zembrzuski asked if something could be done with the look of the Friends Gift Shop as it appeared cluttered and confusing when open. All the Board Members agreed that the Birthday Book Club and the Memorial Book Program should be marketed more.

Friends of the Library.

There was no report.

Monthly Reports (October). Circulation for the month of October compared with the same time period a year ago showed an increase of 12.0%. There was a decrease for the month in Patron visits by 3.3%. Program attendance was down 4.8% for the month. The number of library programs offered was down 2.4% for the month.

Staff Changes.

None.

Gifts.

Four gifts totaling \$70.00 were received.

Informational Items.

November TPL Calendar

Contacts and Correspondence.

19 written comments from the public were reviewed.

Public Participation. There was no public participation.

The Library Board meeting adjourned at 8:55 P.M.

Joanne Allen
Chair

Brian Stoutenburg
Recording Secretary

A meeting of the **Civic Center Priority Task Force (CCPTF)** was held on Wednesday, December 10, 2003 at 7:30 P.M., at City Hall in the Council Board Room. Brian Wattles called the meeting to order at 7:36 p.m.

ROLL CALL:

PRESENT:

Mary Ann Bernardi (Troy Citizens United)
 Leonard Bertin (Advisory Committee for Persons with Disabilities)
 Jeff Biegler (Superintendent of Parks)
 Ann Partlan (Historic District Commission) (Arrived 7:39 PM)
 Ryan Deel (Traffic Committee) (Arrived 8:24 PM)
 Catherine Herzog (Troy Youth Council) (Arrived 7:51 PM)
 Michele Hodges (Troy Shareholders) (Departed 9:30 PM)

Tom Krent (Parks and Recreation Advisory Board)
 Mark Maxwell (Board of Zoning Appeals)
 David Ogg (Advisory Committee for Senior Citizens)
 Carol Price (Downtown Development Authority)
 Walter Storrs (Planning Commission)
 Brian Wattles (Historical Commission)

ALSO PRESENT:

Laura Fitzpatrick, Assistant to the City Manager

PUBLIC COMMENT – SECTION 1

None

1. Minutes

Resolution # CCPTF-2003-12-014

Moved by Krent
 Seconded by Bertin

RESOLVED, that the minutes of November 12, 2003 meeting be approved.

Yes: All - 10

No: None

Absent: Deel, Herzog, Partlan

MOTION CARRIED

2. Presentation & Report – final review and approval of the Powerpoint Presentation and Accompanying Text Report

Resolution # CCPTF-2003-12-015

Moved by Ogg
 Seconded by Hodges

RESOLVED, that the report and presentation will not name specific representatives for proposed board.

Yes: 9 – Bertin, Biegler, Partlan, Hodges, Krent, Maxwell, Ogg, Price, Wattles

No: 4 - Bernardi, Deel, Herzog, Storrs

Absent: None

MOTION CARRIED

Resolution # CCPTF-2003-12-016

Moved by Price

Seconded by Partlan

RESOLVED, that the report will name authors for each section.

Yes: 6 – Bertin, Biegler, Hodges, Maxwell, Partlan, Price,

No: 7 - Bernardi, Deel, Herzog, Krent, Ogg, Storrs, Wattles

Absent: None

MOTION FAILED

Resolution # CCPTF-2003-12-017

Moved by Herzog

Seconded by Bertin

RESOLVED, that the report will explain the methodology by which sections were assigned and drafted.

Yes: All -13

No: none

Absent: None

MOTION PASSED

Resolution #CCPTF-2003-12-018

Moved by Herzog

Seconded by Deel

RESOLVED, that the CCPTF shall meet on January 12, 2004 for the final review of the report.

Yes: All

No: none

Absent: none

MOTION PASSED

Note: Since this meeting, it was determined that the 1/12/04 meeting was not feasible due to the inability to tape and then televise the meeting due to a conflict with a meeting already scheduled. The new meeting date is 1/28/04 at 7 PM in the Council Board Room.

Resolution #CCPTF-2003-12-018

Moved by Bernardi

Seconded by Deel

RESOLVED, that the CCPTF shall remove, from the report, references to the proposed convention center.

Yes: 6 – Bernardi, Deel, Herzog, Ogg, Storrs, Wattles

No: 6 – Bertin, Biegler, Krent, Maxwell, Partlan, Price

Absent: Hodges

MOTION FAILED

ADDITIONAL ASSIGNMENT FOR TEXT REPORT

The following items were discussed as assignments necessary in order to complete the report.

- 1) Maxwell: word smith Goal #1 – Connectivity
- 2) Partlan: Greenbelt piece
- 3) Ogg: Summary of how the site will benefit senior citizens (to complement the youth piece done by Harzog and Shaw)
- 4) Hodges: introduction and conclusion
- 5) Wattles: historical/background
- 6) Storrs: paths paragraph; tying to other paths; bridges and seating; paths along creeks
- 7) Price: 2-3 sentences about festivals under programming section
- 8) Bertin: reduce background re: Reflective Head and integrate into maze piece
- 9) Deel: expand on roads – boulevard, enhancements, etc.

Also, reference was made that resolution re: the “proposed civic center site” references is necessary as there was a tie vote.

PUBLIC COMMENT – SECTION 2

The meeting adjourned at 10:18 p.m.

Brian Wattles, Meeting Chair

Laura Fitzpatrick, Assistant to the City Manager

LIBRARY BOARD MINUTES - DRAFT

DECEMBER 11, 2003

A Regular Meeting of the Troy Library Board was held Thursday, December 11, 2003 at the Office of the Library Director. Joanne Allen, Chairman, called the meeting to order at 7:30 P.M.

ROLL CALL **PRESENT:** Joanne Allen
 Brian Griffen
 Nancy Wheeler
 Audre Zembrzuski
 Steve Zhang, Student Rep.
 Brian Stoutenburg, Library Director

The Pledge of Allegiance to the Flag was given.

Resolution #LB-2003-12-001

Moved by Zembrzuski

Seconded by Griffen

RESOLVED, That Lynne Gregory's absence be excused

Yes: 4—Allen, Griffen, Wheeler, Zembrzuski

No: 0

MOTION CARRIED**Resolution #LB-2003-12-002**

Moved by Wheeler

Seconded by Griffen

RESOLVED, That the Minutes of November 13, 2003 be approved as amended

Yes: 4—Allen, Griffen, Wheeler, Zembrzuski

No: 0

MOTION CARRIED

Reviewed Agenda entries

Resolution #LB-2003-12-003

Moved by Wheeler

Seconded by Zembrzuski

RESOLVED, That the Agenda be approved

Yes: 4—Allen, Griffen, Wheeler, Zembrzuski

No: 0

MOTION CARRIED

REGULAR BUSINESS

Resolution #LB-2003-12-004

Moved by Griffen

Seconded by Zembrzuski

RESOLVED, That the 2004 Board Meeting Dates be approved

Yes: 4—Allen, Griffen, Wheeler, Zembrzuski

No: 0

MOTION CARRIED

REPORTS & COMMUNICATIONS

Director's report.

Approval to upholster 272 chairs and 9 stools will be requested of City Council at their next meeting. The low bidder was Michigan State Industries at a cost of \$30,803.50. We have filled the 6 vacancies at the Circulation Department and when they get trained we will be doing a pilot program of checking out materials from the Youth Library around the Story Program times to see if it reduces the congestion in the lobby.

Board Member comments.

- Griffen asked about the different color of library cards currently being used and what their difference was. We will have two colors until we have updated everyone's to the newer blue color.
- Zembrzuski related an instance of a Troy resident's account being brought up on the computer as a sister-in-law's with the exact same name who resides in Frasier. This is why it is important to check out items using one's library card. The account is tied directly to the unique bar code on the card. This particular patron may have simply given her name to bring up her account.
- Griffen asked about the percentage of non-residents who use our library. Approximately 15% of registered borrowers do not reside in Troy. Some of these non-residents work in Troy. As to the number of non-residents who enter the library, we haven't tracked that. We would have to check residency of each person entering the library.
- Griffen asked that Board Members be kept abreast of issues involving the library. He cited the newspaper article about Bloomfield Hills resident's use of our library being published prior to being notified of this. The circumstances surrounding this issue were reported, and that an effort to inform them of issues prior to newspaper articles will be made in the future.
- Griffen made comments on two personnel issues that he was made aware of.
- Zembrzuski commented that her daughter's artwork had been exhibited at the library and as a result she sold several of her works. She commented on the value of such exhibits to both the library and the artist.
- Wheeler asked about the issue of the display methods of the Friend's Gift Shop. It was decided to draft three ideas for the Friend's to consider regarding the showcases.
- Allen asked about the newspaper coverage of the Bloomfield Township/Bloomfield

Hills contract issue. Our position in this was to remain neutral. Our non-resident card procedure has been in place for many years.

- Wheeler commented on a patron stating to her that our staff was very helpful and nice.
- Wheeler suggested that shelves be put in the public bathrooms so that patrons could place their items while using the facilities.
- Griffen suggested, and the Board agreed that the statistical reports and the Staff Changes report be given to the Board on a quarterly basis.

Friends of the Library.

There was no report.

Monthly Reports (November). Circulation for the month of November compared with the same time period a year ago showed an increase of 9.8%. There was a decrease for the month in Patron visits by 4.3%. Program attendance was up 23.2% for the month. The number of library programs offered was up 1.9% for the month.

Staff Changes.

Resignation: Mary Newton, Substitute Librarian.

Gifts.

No gifts were received

Informational Items.

December TPL Calendar

Contacts and Correspondence.

15 written comments from the public were reviewed.

Public Participation. There was no public participation.

The Library Board meeting adjourned at 9:00 P.M.

Joanne Allen
Chair

Brian Stoutenburg
Recording Secretary

DATE: January 5, 2004
 TO: John Szerlag, City Manager
 FROM: Mark Stimac, Director of Building & Zoning
 SUBJECT: Permits issued July through December 2003

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
New	1	\$260,000.00	\$2,404.50
Fnd. New	1	\$60,000.00	\$1,087.50
Completion (New)	2	\$570,000.00	\$3,588.50
Completion Less Tenant	1	\$75,000.00	\$546.75
Tenant Completion	3	\$90,000.00	\$987.00
Add/Alter	21	\$6,310,887.00	\$44,010.75
Sub Total	29	\$7,365,887.00	\$52,625.00
<u>COMMERCIAL</u>			
New	2	\$1,586,000.00	\$11,642.50
Fnd. New	1	\$50,000.00	\$1,240.00
Fnd./Shell New	4	\$4,595,000.00	\$33,824.25
Completion (New)	3	\$1,729,767.00	\$10,139.00
Completion Less Tenant	1	\$50,000.00	\$635.00
Tenant Completion	13	\$2,724,764.00	\$20,862.81
Add/Alter	107	\$11,865,508.00	\$86,599.55
Wreck	3	\$20,000.00	\$400.00
Kiosk	2	\$1,000.00	\$50.00
Sub Total	136	\$22,622,039.00	\$165,393.11
<u>RESIDENTIAL</u>			
New	74	\$12,243,104.00	\$150,796.55
Add/Alter	186	\$4,579,260.00	\$47,422.50
Garage/Acc. Structure	53	\$684,479.00	\$8,286.50
Pool/Spa/Hot Tub	24	\$235,945.00	\$3,870.00
Repair	9	\$194,588.00	\$2,080.00
Fire Repair	3	\$188,028.00	\$1,445.00
Wreck	30	\$0.00	\$4,530.00
Fnd./Slab/Rat Wall	1	\$2,400.00	\$105.00
Fnd./Slab/Footing	7	\$35,600.00	\$690.00
Sub Total	387	\$18,163,404.00	\$219,225.55
<u>TOWN HOUSE/CONDO</u>			
New	135	\$14,454,827.00	\$132,923.25
Add/Alter	21	\$171,172.00	\$2,665.00
Ent. Wall/Masonry Fence	1	\$80,000.00	\$600.00
Sub Total	157	\$14,705,999.00	\$136,188.25

MULTIPLE

Add/Alter	12	\$96,000.00	\$1,560.00
Garage/Acc. Structure	3	\$36,100.00	\$760.00

Sub Total	15	\$132,100.00	\$2,320.00
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INSTITUTIONAL/HOSPITAL

Add/Alter	4	\$7,237,247.00	\$40,942.00
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Sub Total	4	\$7,237,247.00	\$40,942.00
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MUNICIPAL

New	2	\$18,000.00	\$0.00
Add/Alter	5	\$1,036,750.00	\$0.00

Sub Total	7	\$1,054,750.00	\$0.00
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RELIGIOUS

Add/Alter	1	\$2,800,000.00	\$17,322.50
Garage/Acc. Structure	1	\$3,200.00	\$121.00

Sub Total	2	\$2,803,200.00	\$17,443.50
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MISCELLANEOUS

Satellite/Antennas	8	\$120,520.00	\$1,798.00
Signs	245	\$0.00	\$25,450.00
Fences	79	\$0.00	\$1,260.00

Sub Total	332	\$120,520.00	\$28,508.00
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TOTAL	1069	\$74,205,146.00	\$662,645.41
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PERMITS ISSUED JULY THROUGH DECEMBER 2003

	NO.	PERMIT FEE
Mul. Dwel. Insp.	428	\$4,280.00
Cert. of Occupancy	359	\$18,654.30
Plan Review	623	\$33,552.14
Microfilm	180	\$2,416.00
Building Permits	1069	\$662,645.41
Electrical Permits	1135	\$83,994.00
Heating Permits	1011	\$49,260.00
Air Cond. Permits	334	\$13,625.00
Refrigeration Permits	6	\$385.00
Plumbing Permits	747	\$72,497.00
Storm Sewer Permits	111	\$4,628.00
Sanitary Sewer Permits	65	\$2,312.00
Sewer Taps	222	\$57,379.60
TOTAL	6290	\$1,005,628.45

LICENSES & REGISTRATIONS ISSUED JULY THROUGH DECEMBER 2003

	NO.	LICENSE FEE
Mech. Contr.-Reg.	269	\$1,345.00
Elec. Contr.-Reg.	137	\$2,055.00
Master Plmb.-Reg.	122	\$122.00
Sewer Inst.-Reg.	27	\$1,350.00
Sign Inst. - Reg.	31	\$310.00
E. Sign Contr-Reg.	5	\$75.00
Fence Inst.-Reg.	13	\$130.00
Bldg. Contr.-Reg.	129	\$1,290.00
F.Alarm Contr.-Reg.	12	\$180.00
TOTAL	745	\$6,857.00

DATE: January 5, 2004
 TO: John Szerlag, City Manager
 FROM: Mark Stimac, Director of Building & Zoning
 SUBJECT: Permits issued during the Month of December 2003

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Completion (New)	1	\$140,000.00	\$979.50
Add/Alter	2	\$61,000.00	\$612.25
Sub Total	3	\$201,000.00	\$1,591.75
<u>COMMERCIAL</u>			
Fnd. New	1	\$50,000.00	\$1,240.00
Fnd./Shell New	3	\$4,355,000.00	\$30,887.75
Add/Alter	24	\$3,080,959.00	\$21,484.75
Wreck	1	\$0.00	\$200.00
Sub Total	29	\$7,485,959.00	\$53,812.50
<u>RESIDENTIAL</u>			
New	8	\$1,363,186.00	\$14,750.00
Add/Alter	14	\$151,100.00	\$2,350.00
Pool/Spa/Hot Tub	1	\$1,500.00	\$40.00
Repair	1	\$60,000.00	\$460.00
Fire Repair	1	\$99,033.00	\$680.00
Wreck	2	\$0.00	\$300.00
Fnd./Slab/Footing	1	\$20,000.00	\$260.00
Sub Total	28	\$1,694,819.00	\$18,840.00
<u>TOWN HOUSE/CONDO</u>			
New	50	\$5,859,460.00	\$54,353.50
Add/Alter	5	\$58,650.00	\$880.00
Sub Total	55	\$5,918,110.00	\$55,233.50
<u>MULTIPLE</u>			
Garage/Acc. Structure	3	\$36,100.00	\$760.00
Sub Total	3	\$36,100.00	\$760.00
<u>MUNICIPAL</u>			
New	2	\$18,000.00	\$0.00
Sub Total	2	\$18,000.00	\$0.00

RELIGIOUS

Add/Alter	1	\$2,800,000.00	\$17,322.50
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Sub Total	1	\$2,800,000.00	\$17,322.50
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MISCELLANEOUS

Signs	56	\$0.00	\$6,185.00
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Fences	5	\$0.00	\$85.00
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Sub Total	61	\$0.00	\$6,270.00
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TOTAL	182	\$18,153,988.00	\$153,830.25
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PERMITS ISSUED DURING THE MONTH OF DECEMBER 2003

	NO.	PERMIT FEE
Mul. Dwel. Insp.	122	\$1,220.00
Cert. of Occupancy	87	\$4,895.25
Plan Review	116	\$7,815.00
Microfilm	35	\$453.00
Building Permits	182	\$153,830.25
Electrical Permits	209	\$13,982.00
Heating Permits	205	\$9,475.00
Air Cond. Permits	62	\$2,105.00
Plumbing Permits	141	\$13,538.00
Storm Sewer Permits	17	\$464.00
Sanitary Sewer Permits	13	\$386.00
Sewer Taps	54	\$15,582.00

TOTAL	1243	\$223,745.50
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LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF DECEMBER 2003

	NO.	LICENSE FEE
Mech. Contr.-Reg.	40	\$200.00
Elec. Contr.-Reg.	10	\$150.00
Master Plmb.-Reg.	13	\$13.00
Sewer Inst.-Reg.	5	\$250.00
Sign Inst. - Reg.	5	\$50.00
Bldg. Contr.-Reg.	10	\$100.00
F.Alarm Contr.-Reg.	1	\$15.00

TOTAL	84	\$778.00
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DATE: January 5, 2004

TO: John Szerlag, City Manager

FROM: Mark Stimac, Director of Building & Zoning

SUBJECT: Permits issued during the Year 2003

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
New	1	\$260,000.00	\$2,404.50
Fnd. New	1	\$60,000.00	\$1,087.50
Fnd./Shell New	2	\$1,340,000.00	\$22,220.00
Completion (New)	2	\$570,000.00	\$3,588.50
Completion Less Tenant	1	\$75,000.00	\$546.75
Tenant Completion	6	\$230,000.00	\$2,521.50
Add/Alter	49	\$9,492,525.00	\$69,752.35
Temp. Office Trailer	1	\$0.00	\$76.00
Wreck	1	\$0.00	\$140.00
Repair	1	\$3,500.00	\$120.00
Sub Total	65	\$12,031,025.00	\$102,457.10
<u>COMMERCIAL</u>			
New	2	\$1,586,000.00	\$11,642.50
Fnd. New	1	\$50,000.00	\$1,240.00
Fnd./Shell New	7	\$6,405,610.00	\$56,555.80
New Less Tenant	2	\$20,000.00	\$453.50
Completion (New)	5	\$4,175,767.00	\$24,267.30
Completion Less Tenant	2	\$697,500.00	\$4,433.90
Tenant Completion	18	\$4,595,844.00	\$33,272.31
Add/Alter	235	\$23,294,120.00	\$171,659.47
Wreck	6	\$20,000.00	\$925.00
Parking Lot	1	\$3,500.00	\$121.00
Kiosk	2	\$1,000.00	\$50.00
Sub Total	281	\$40,849,341.00	\$304,620.78
<u>RESIDENTIAL</u>			
New	166	\$27,152,485.00	\$343,101.90
Add/Alter	384	\$9,768,447.00	\$100,109.00
Garage/Acc. Structure	86	\$990,473.00	\$12,876.50
Pool/Spa/Hot Tub	60	\$625,560.00	\$9,490.00
Repair	19	\$325,016.00	\$4,090.00
Fire Repair	15	\$1,001,695.00	\$7,417.00
Wreck	48	\$0.00	\$6,900.00
Fnd./Slab/Rat Wall	3	\$3,500.00	\$155.00
Fnd./Slab/Footing	8	\$41,600.00	\$840.00
Sub Total	789	\$39,908,776.00	\$484,979.40

TOWN HOUSE/CONDO

New	178	\$19,018,043.00	\$173,679.25
Add/Alter	35	\$239,744.00	\$3,980.00
Garage/Acc. Structure	1	\$12,960.00	\$255.00
Ent. Wall/Masonry Fence	1	\$80,000.00	\$600.00
Temporary Sales Trailer	1	\$3,000.00	\$105.00

Sub Total	216	\$19,353,747.00	\$178,619.25
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MULTIPLE

Add/Alter	27	\$1,182,703.00	\$8,693.50
Garage/Acc. Structure	3	\$36,100.00	\$760.00
Repair	1	\$81,000.00	\$565.00
Sub Total	31	\$1,299,803.00	\$10,018.50

SCHOOL

New	2	\$715,000.00	\$4,881.65
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Sub Total	2	\$715,000.00	\$4,881.65
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INSTITUTIONAL/HOSPITAL

Add/Alter	7	\$7,478,747.00	\$42,754.75
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Sub Total	7	\$7,478,747.00	\$42,754.75
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MUNICIPAL

New	5	\$1,068,000.00	\$0.00
Add/Alter	5	\$1,036,750.00	\$0.00

Sub Total	10	\$2,104,750.00	\$0.00
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RELIGIOUS

New	1	\$9,100,000.00	\$57,818.50
Add/Alter	3	\$2,878,086.00	\$18,041.50
Garage/Acc. Structure	1	\$3,200.00	\$121.00

Sub Total	5	\$11,981,286.00	\$75,981.00
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MISCELLANEOUS

Satellite/Antennas	10	\$163,040.00	\$2,375.00
Signs	414	\$0.00	\$43,205.00
Fences	154	\$0.00	\$2,011.00

Sub Total	578	\$163,040.00	\$47,591.00
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TOTAL	1984	\$135,885,515.00	\$1,251,903.43
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PERMITS ISSUED DURING 2003

	NO.	PERMIT FEE
Mul. Dwel. Insp.	738	\$7,380.00
Cert. of Occupancy	644	\$33,002.30
Plan Review	1179	\$56,313.51
Microfilm	372	\$4,787.00
Building Permits	1984	\$1,251,903.43
Electrical Permits	2047	\$146,495.00
Heating Permits	1945	\$93,375.00
Air Cond. Permits	636	\$26,575.00
Refrigeration Permits	6	\$385.00
Plumbing Permits	1351	\$116,605.00
Storm Sewer Permits	198	\$8,602.00
Sanitary Sewer Permits	107	\$3,924.00
Sewer Taps	382	\$109,051.00
TOTAL	11589	\$1,858,398.24

LICENSES & REGISTRATIONS ISSUED DURING 2003

	NO.	LICENSE FEE
Mech. Contr.-Reg.	403	\$2,015.00
Elec. Contr.-Reg.	382	\$5,730.00
Master Plmb.-Reg.	251	\$251.00
Sewer Inst.-Reg.	61	\$3,050.00
Sign Inst. - Reg.	70	\$700.00
E. Sign Contr-Reg.	24	\$360.00
Fence Inst.-Reg.	24	\$240.00
Bldg. Contr.-Reg.	256	\$2,407.00
F.Alarm Contr.-Reg.	35	\$525.00
TOTAL	1506	\$15,278.00

DATE: January 6, 2004

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Announcement of Public Hearing
Request for Commercial Vehicle Appeal
1839 E. Wattles Road

On June 18, 2001, Council approved an appeal of the commercial vehicle ordinance requirements submitted by Mr. Jim Laplante related to the Ford dump truck located on the residential property at 1839 E. Wattles. That approval was granted for a period of two years. That approval expired in June of 2003. Unfortunately, the Building Department did not send the expiration reminder until last month. In response to our reminder, Mr. Laplante did file an application for a new appeal. In his application information he not only identified a Ford dump truck, originally approved for outside storage on the property, he also indicates that another Ford stake truck and three trailers associated with his business are to be stored outside. Pictures of the vehicles and equipment, provided by the petitioner are enclosed for your reference.

The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of January 26, 2004.

Should you have any questions or require additional information, kindly advise.





COMMERCIAL VEHICLE
APPEAL APPLICATION

RECEIVED

DEC 17 2003

BUILDING DEPARTMENT

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: Jimmy LaPlante

ADDRESS: 1839 E. Wathes

CITY: Troy MI. ZIP: MI PHONE: (648) 528-1309

ADDRESS OF SITE: 1839 E. Wathes

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1FBJF37H8GKB65191

LICENSE PLATE NUMBER(S) Bw 6485

DESCRIPTION OF VEHICLE(S) 1986 Ford Dump Truck

REASON FOR APPEAL (see A - D below) (D) Variance was

granted once and just needs to be renewed

(Truck is the same) Changes included are a
Privacy fence is being put up. (Partially Done) and
THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING: Property cleaned up.

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

J. L. P. H.

(signature of applicant)

STATE OF MICHIGAN

COUNTY OF Oakland

On this 15 day of December, 2003 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Mary Suzanne McHennis
Notary Public, County, Michigan

My Commission Expires: May 30, 2007

BUILDING DEPARTMENT

School Road

fence

Big Pitch

Chick

Brick wall
Chest 57
Trees

Trees

Privacy fence to complete in Spring

G - GARAGE

H- House

PF - Privacy Fence

53

G

4

side walk

1825

4

1839

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Bushes & Trees

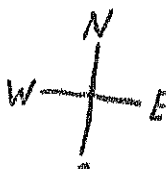
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E WATTLES

VIC 004

December 22, 2003

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
John Lamerato, Assistant City Manager/Finance and Administration
Gary Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Community Center Recreation Pass Fees

Community Center Pass Fees

The Parks and Recreation department has been charged with operating the recreation division with a fixed subsidy. Subsequent to this decision, staff requested direction from council on how to achieve this goal. As such, the City Council approved the distributive method in setting fees with fees set by the City Manager.

Absent a reconsideration by City Council and following the distributive method approach, the Community Center recreation pass fees will be increased approximately 10% for on-going and monthly passes. Daily pass fees remain the same. In response to comments from the public and to stimulate pass sales, staff will establish a corporate recreation pass for Troy businesses, a daily visit punch card for resident children and adults, and a daily visit rate for groups of 20 or more.

The Community Center fees will be effective February 2, 2004 for new pass holders and March 1, 2004 for current pass holders. Please know that staff will review these fees with the Parks and Recreation Advisory Board on January 8, 2004.

BACKGROUND

Council approved Community Center pass fees on November 5, 2001 with no increases to date. Based on a survey (see attachment) of other Community Centers and private fitness facilities in the Detroit area, the Troy Community Center has the lowest rates in the market. In order to assure that the budgeted pass fee revenue is met for the 2003-04 year, a 10% increase in fees for on-going and single month pass holders is essential. Combined with the other sources of revenue, this increase will allow the Community Center operating costs to be met. Operating expenses have risen 22% from 2002-03 due primarily to the completion of Phase 2 of the project. The increase in monthly fees will affect the passes listed below:

Pass Type	Current Fee	Proposed Fee
Recreation Pass - Resident, 1 st member	\$15.00	\$16.50
Recreation Pass – Resident, Additional member	\$7.50	\$8.25
Recreation Pass – Resident, Family of 4	\$37.50	\$41.25
Recreation Pass – Non-resident Employee, 1 st member	\$18.33	\$20.50
Recreation Pass – Non-resident Employee, Additional member	\$9.17	\$10.25
Recreation Pass – Resident, Matinee	\$11.67	\$12.50
Recreation Pass – Non-resident Employee, Matinee	\$13.33	\$15.00
Single Month Pass – Resident	\$30.00	\$33.00
Single Month Pass – Non-resident Employee	\$40.00	\$44.00

Discounts for seniors (10%), disabled (10%) and low income (10% - 50%) will still apply to residents purchasing the passes listed above. The daily visit rates to use the Community Center will not be increased at this time as they are appropriately priced in the local market.

The “new” corporate recreation pass will be available to any Troy based corporation. A minimum of 10 recreation passes must be purchased at the non-resident employee rate (\$20.50) and can be used interchangeably by employees, their families and clients of the corporation.

The “new” daily visit punch card will valid for ten visits by the resident pass holder. The punch card is priced at \$40 for children and \$60 for adults. This amount is \$2 less than the regular single visit rate.

The “new” group rate will allow groups of 20 or more who have a resident sponsor to purchase a daily visit pass at \$5 each.

Prepared by Kraig Schmottlach, Community Center Facility Manager

Corporate Recreation Pass Information

Troy Community Center

Eligibility: Any business or non-profit association located within the City of Troy can qualify for the corporate recreation pass program. Eligible entities must submit a letter signed by the president, CEO or human resource manager on company letterhead.

Price

1. A minimum of 10 recreation passes must be purchased and remain active.
2. The corporation will be charged the non-resident employee fee of \$20.50 per month or \$246 per 12 month period for each recreation pass.
3. Passes can be paid for on a monthly basis via an EFT service or as a lump sum for the first 12 months.
4. Corporations are responsible for any price increases to the Recreation Pass during their enrollment in this program.
5. There are no refunds on passes paid via the lump sum method. A Pass Cancellation form must be completed 30 days in advance to cancel a pass and remove it from the EFT service.

Corporate Recreation Pass Features

- The Recreation Pass allows unlimited use of the recreation areas (pool, gymnasium, fitness rooms and locker rooms) during “open use” times (posted quarterly).
- The Recreation Pass is transferable and may be used by any employee, volunteer, family member or client of the designated corporation.
- Discount pricing for child care service is available upon presentation of a Recreation Pass.

Enrollment and Facility Use Procedures

1. Complete the Corporate Pass Application and include letter on company letterhead (signed by president, CEO or human resource manager) indicating desire to participate in the Corporate Pass Program.
2. Make appropriate payment. Recreation passes will begin on the 1st of the following month.
3. A minimum of 10 recreation passes will be issued to the corporation. The company logo may appear on the recreation card if submitted on a disk in j-peg format.
4. Upon visiting the Community Center, each corporate pass holder must display the recreation card and sign a waiver at the Control Desk.
5. Corporate pass holders may sponsor a guest for the daily guest pass rate. Children under 3 are free.
6. There is a \$6 fee to replace a lost recreation card.
7. Children under 10 years of age must be accompanied and supervised by a pass holder 16 years or older.
8. Children under 13 years of age are not permitted in the fitness room (Children 13 years of age must take a mandatory fitness room orientation class).
9. Refer to the Recreation Policies for a complete listing of rules and regulations.

Detroit Area Fitness Survey

Community Centers	Resident Fee	Non Resident	Notes
Troy Community Center	\$15/mo	\$18.33 mo (Must work in Troy)	Half price for additional family members
Canton	\$200/yr	\$400/yr	
Dearborn	\$324/yr or \$27/mo	Not Available	
Livonia	\$195/yr	\$390/yr	
Warren	\$230/yr	\$400/yr	
Private Fitness Centers			
Fitness Unlimited	\$29/mo		
Jewish Comm Center	\$32/mo		
Powerhouse	\$33.25/mo		
YMCA	\$52/mo		Free fitness classes
Bally's	\$54/mo		Free fitness classes
Lifetime Fitness	\$60/mo		Free fitness classes and child care
Fitness USA	\$62/mo		Free personal training
Sports Club	\$67.50/mo		Free fitness classes

January 8, 2004

To: John Szerlag, City Manager

From: Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director
Kraig Schmottlach, Community Center Manager

Subject: Agenda Item - Additional Information: Community Center Recreation Pass
Fee Payment Options

RECOMMENDATION

As we discussed, the recreation fee proposal will include a 12-month lock-in rate for pass holders who purchase an on-going membership. This lock-in rate will guarantee the user that the fee paid will not increase within one year of purchase of a pass. Pass holders can pay the on-going monthly fee by Electronic Fund Transfer service from a checking or savings account, or from a Visa or Master Card. Pass holders who are not able to enroll in the EFT service may make a non-refundable lump sum payment based on a twelve-month membership.

BACKGROUND

It is more costly to process lump sum payments and renew these pass holders at the end of the twelve-month period but it is an added payment option that will attract new members.

January 6, 2004

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance and Administration
Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Supplemental Information - Recreation Pass Fees

Attached please find supplemental information regarding the recreation pass fees.

The document, Recreation Pass Fee Plans, provides information on projected revenues and expenditures of the Community Center. The proposed fees, pass sale projections and other revenues (rent, recreation programs, etc.) are included.

The document, Recreation Pass Fee Types, provides information requested by Mr. Howrylak.

In setting the fees for the recreation passes, staff used the distributive method. It is intended that the revenues (including the defined subsidy) generated cover expenditures.

I would be happy to answer any additional questions.

Recreation Pass Fee Plans Troy Community Center

Overview

The proposed pass fee plan was based on current membership numbers from September 24, 2002 to September 24, 2003. Current members with expiring annual passes are renewing at a 40% rate. New member pass sales, however, are steady and have helped make up for much of these non-renewals. In order to meet estimated pass fee revenue for 2003-04, an increase in the pass fee plan prices is essential. Although the overall Community Center operating expense budget has risen 22% from 2002-03 (primarily due to the completion of Phase 2), we have outlined a plan that has a 10% increase in price for on-going and single month recreation plans. We did not increase the rate for daily passes in any of the plans as we feel that they are appropriately priced.

Goals

1. Generate enough revenue to meet projected pass fee sales (\$889,500) and cover the operating costs of the Community Center when all sources of revenue are included.
2. Optional - Add fitness classes and discounts on selected services to the recreation pass. This will enhance the value of the recreation pass, give people more fitness options (thus reducing the congestion in the fitness room), and entice program participants to purchase a recreation pass. These services generate approximately \$160,000 when sold separately so we would need to surpass our budgeted revenue for pass fees by this amount. In a survey of current members, 31% would like to have fitness classes and other services added to the membership fee. **At this time, we do not have enough member support to add these services to the Recreation Pass.**

Program to Add	Specific Classes or Services	Annual Revenue
Fitness Classes	Flex Into Fitness, Tai Chi, Dance It	\$112,000
Baby Sitting	Pass holders would get 50% off \$3 hourly rate	\$35,000
Senior Fitness	Except for yoga, aqua aerobics, and pilates	\$9,650
Kids Night Out	Pass holders would get 50% off each child registered	\$4,000
Totals		\$160,650

*Instructor's teaching these classes are paid hourly and not affected by class size.

*Classes would be first come first serve.

*Patron's could still enroll in classes without purchasing a community center membership

Supporting Information

- During the first year of operation, annual pass holders used the recreation areas an average of 29 times during the year. Based on the current fee structure, this amount is approximately \$4.65 per use.
- Pass holders who did not renew have cited a lack of time to use the facility as their main reason.
- In a national survey conducted through the NRPA web site, we asked what was the number one reason patrons did not renew their memberships. The most frequent response from facility managers was that they did not use the facility enough. We also asked the impact on membership levels following a fee increase. Although the majority of facilities may have lost a few members, the price increase resulted in more revenue despite a slight drop in membership.
- In a survey of local fitness facilities in the Detroit area, the Troy Community Center had the lowest rates compared to other Community Centers and private facilities (i.e. Life Time Fitness).

Detroit Area Fitness Survey - Current Fee Structure - Reinstate Annual Fee

Community Centers	Resident Fee	Non Resident	Notes
Troy Comm Center	\$180/yr or \$15/mo	\$220/yr or \$18.33 mo (Must work in Troy)	Half price for additional family members
Canton	\$200/yr	\$400/yr	
Dearborn	\$324/yr or \$27/mo	Not Available	
Livonia	\$195/yr	\$390/yr	
Warren	\$230/yr	\$400/yr	
Private Fitness Centers			
Fitness Unlimited	\$29/mo		
Jewish Comm Center	\$32/mo		
Powerhouse	\$33.25/mo		
YMCA	\$52/mo		Free fitness classes
Bally's	\$54/mo		Free fitness classes
Lifetime Fitness	\$60/mo		Free fitness classes and child care
Fitness USA	\$62/mo		Free personal training
Sports Club	\$67.50/mo		Free fitness classes

“PROPOSED” Plan: Increase all on-going and monthly recreation pass fees by approximately 10%. Daily pass fees would stay the same. Establish a corporate pass, daily pass punch card (based on 10 visits) and group rate. Pass fees can be paid through an EFT service affiliated with a credit card or checking/savings account or by lump sum payment. Pass holders will lock in the payment for 12 months.

New Pass Types

- A. Corporate Pass – A Troy based corporation can buy a minimum of 10 transferable Recreation Passes for its employees. The corporation will be issued a non-pictured Recreation Card that can be used by any employee, family member or guest with the company. The price of each pass will be the same as the non-resident employee rate (the additional family member discount will not be applied). See attached for more details.
- B. Daily Pass Punch Card – The punch card would allow 10 daily admissions and be sold to individual Troy residents (Children - \$40, Adult - \$60). This amount allows a patron to purchase a daily pass for \$2 less than the regular single visit rate. A Recreation Pass booklet already exists for non-resident employees and guests (\$90).
- C. Group Rate – Groups of 20 or more would be able to get a day pass for \$5 per person if the sponsor is a resident.

Pass Payment Issues

- Establish an EFT payment with credit cards and encourage all pass holders to pay for their on-going pass with EFT service (either through checking account or credit card). If a patron did not want to establish an EFT service, they would be required to make a deposit equivalent to

one 12-month payment at the current rate (This lump sum option to be determined by management). One month prior to their deposit reaching zero, they would be required to make a similar deposit on their account.

- Support for an exclusive EFT Service: There are currently 325 pass holders with an on-going account who owe approximately \$30,000 of past due fees. They pay in person at the Community Center at the start of the month. When they do not pay on time, there is a very time consuming process to collect their fees. This process includes: 1) Suspend their pass at the start of the month, 2) Reinstate their pass if they pay late, 3) Send them an invoice if they are two months past due, 4) Send them a final invoice if they are three months past due, 5) Revoke their account after three months. When their pass is revoked, the balance due is still listed on their account but it is unlikely we will collect this amount.
- An average of 6 EFT transactions per month are returned due to NSF's.
- Current pass holders who are not paying through EFT would need to convert to this service or pay for the next 12 months at the current rate up front.

PLAN - Increase pass fees (except daily rates) by approximately 10%

Current Pass Sales (9/24/02 to 9/24/03)

Current Fees

Fees with 10% Increase

Recreation Pass	Proj Sales	Proj Renewals	Current	Total	Annual	Monthly	Annual	Monthly	Revenue
Resident	475	377	1470	2322	\$180	\$15.00	\$198	16.50	\$459,756
Resident FM	480	387	1426	2293	\$90	\$7.50	\$99	8.25	\$227,007
5th FM (Comp)	33	44	121	198	\$0	\$0.00	\$0	0.00	\$0
Family Plan		0		0	\$450	\$37.50	\$495	41.25	\$0
Employee	71	92	294	457	\$220	\$18.33	\$246	20.50	\$112,422
Employee FM	18	29	72	119	\$110	\$9.17	\$123	10.25	\$14,637
Corporate Pass	50		0	50	\$220	\$18.33	\$246	20.50	\$12,300
Matinee-Resident	13	12	59	84	\$140	\$11.67	\$150	12.50	\$12,600
Matinee-Employee	4	5	18	27	\$160	\$13.33	\$180	15.00	\$4,860
Senior	43	38	192	273	\$162	\$13.50	\$180	15.00	\$49,140
Senior FM	15	16	69	100	\$81	\$6.75	\$90	7.50	\$9,000
Low Income	6	14	25	45	\$162	\$13.50	\$180	15.00	\$8,100
Low Income FM	6	8	24	38	\$81	\$6.75	\$90	7.50	\$3,420
Disabled	7	2	26	35	\$162	\$13.50	\$180	15.00	\$6,300
Disabled FM	2	1	14	17	\$81	\$6.75	\$90	7.50	\$1,530
TOTAL	1223	1025	3810	6058					\$921,072

MONTHLY

Past Sales

Current

10% Increase

Resident	1433		1433	\$30	33.00	\$47,289
Employee	205		205	\$40	44.00	\$9,020
Senior	48		48	\$27	30.00	\$1,440
Low Income			0	\$27	30.00	\$0
Disabled	18		18	\$27	30.00	\$540
TOTAL	1704		1704			\$58,289

DAILY

Past Sales

Current

Remain the Same

Resident (Child)	2119		2119	\$6	6.00	\$12,714
Resident (Adult)	1808		1808	\$8	8.00	\$14,464
Employee	157		157	\$10	10.00	\$1,570
Guest	159		159	\$12	12.00	\$1,908
Guest Booklets	45		45	\$90	90.00	\$4,050
Recreation Card						
TOTAL	4288		4288			\$34,706

Overall Pass Fee Revenue Under Plan #2 (Projected pass fee revenue for 2003-04: 889,500)

\$1,014,067

Other Projected CC Revenue (Swim Lessons-\$101,080; Fitness-\$137,000; Programs-\$32,000; Rent-\$70,000*)

\$340,080

New Projected Revenue with Pass Fee Increase

\$1,354,147

Subsidy

\$1,000,000

Gross Revenue

\$2,354,147

Budgeted Operating Costs for the Community Center (Recreation Areas Only - \$1,117,490)

\$2,284,580

Surplus

\$69,567

Comments:

*Projected rent revenue amount is adjusted down from \$125,000 due to no tenant for Wellness Center

Recreation Pass Types	2001-2002	2002-2003	2003-2004	Current Price	Proposed Price
Resident	1173	1837	1880	\$15.00	\$16.50
Resident Family Member	1442	1824	1801	\$7.50	\$8.25
Complimentary Family Member	116	214	174	\$0.00	\$0.00
Employee	86	405	440	\$18.33	\$20.50
Employee Family Member	31	127	145	\$9.17	\$10.25
Corporate Pass				NEW	\$20.50
Matinee-Resident	102	70	66	\$11.67	\$12.50
Matinee-Employee	8	27	20	\$13.33	\$15.00
Senior	260	177	211	\$13.50	\$15.00
Senior Family Member	100	69	74	\$6.75	\$7.50
Low Income	44	51	25	\$13.50	\$15.00
Low Income Family Member	35	29	27	\$6.75	\$7.50
Disabled	18	15	42	\$13.50	\$15.00
Disabled Family Member	8	12	11	\$6.75	\$7.50
TOTAL	3423	4857	4916		

Annual Fee - If paying lump sum amount, fees are equal to the monthly rate x 12. (i.e. Resident - \$198/year)

MONTHLY	2001-2002	2002-2003	2003-2004	Current Price	Proposed Price
Resident	416	1410	403	\$30.00	\$33.00
Employee	21	208	22	\$40.00	\$44.00
Senior	4	41	11	\$27.00	\$30.00
Low Income	0	0	0	\$27.00	\$30.00
Disabled	1	18	0	\$27.00	\$30.00
TOTAL	442	1677	436		

DAILY	2001-2002	2002-2003	2003-2004	Current Price	Proposed Price
Resident (Child)	145	2149	702	\$6.00	\$6.00
Resident (Adult)	114	1959	657	\$8.00	\$8.00
Employee	7	178	51	\$10.00	\$10.00
Guest	10	161	41	\$12.00	\$12.00
Group Rate (20+)				NEW	\$5.00
Guest Booklets	23	49	25	\$90.00	\$90.00
Punch Card (Child)				NEW	\$40.00
Punch Card (Adult)				NEW	\$60.00
TOTAL	299	4496	1476		

Overall CC Expenses \$1,110,250.96 \$1,881,340.81 \$869,197.03

Overall CC Revenues \$447,031.04 \$856,684.95 \$495,647.00

Recreation Pass Date Range

2001/02 - March 25, 2002 to June 30, 2002

2002/03 - July 1, 2002 to June 30, 2003

2003/04 - July 1, 2003 to December 31, 2003

Recreation Pass Discounts

Senior - 10%

Disabled - 10%

Low Income - 10%, 25%, 50%

TFAC Member - 20% (This discount has been discontinued for 2003/2004)

January 9, 2004

To: John Szerlag, City Manager

From: Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Agenda Item - Park Board Action - Endorsement of Recreation Fees

At the January 8, 2004, meeting of the Parks and Recreation Advisory Board, the following action was taken:

A motion by Tom Krent, supported by Doug Bordas, that the Parks and Recreation Advisory Board endorses managements action in setting the recreation fee at the new rate.

Ayes: All Nays: None
MOTION CARRIED

January 2004

January 2004							February 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			January 1, 04	2	3
			New Years Holiday-City Offices Cl		4
5	6	7	8	9	10
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:00pm EthnicIssues (Conference Room C) 7:30pm Planning/Study (CouncilBd Room)	8:30am BldgCdAppeals (Conference Rm LL) 7:00pm Persons w/Dis (Conference Rm LL) 8:00pm Council Study Session (Council Boardroom)	10:00am SeniorCitizens (CommCtr) 7:30pm LibraryBd (Library) 7:30pm Parks and Rec (CommCtr)		11
12	13	14	15	16	17
7:00pm Liquor Committee Meeting 7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Planning (CC)	3:00pm ERS Meeting - Conf Room C (room has already been booked) (agenda)	3:00pm Brownfield (Conference Room C)		18
19	20	21	22	23	24
Candidate Filing Deadline @ 4:00	7:30pm Historic District (Conference Room C) 7:30pm BdZoningAp (CC)	7:30am DDA (Conference Rm LL) 7:00pm TYC (CommCtr)			25
26	27	28	29	30	31
7:30pm City Council-Regular (Council Chambers)	7:30pm Troy Daze Advisory Bd (CommCtr) 7:30pm Historical Commission (Troy Museum) 7:30pm Planning/Study (CouncilBd Room)	7:30pm CCPTF (CouncilBd Room)			

February 2004

February 2004						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29						

March 2004						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					February 1
2	3	4	5	6	7
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:00pm EthnicIssues (Conference Room C) 7:30pm Planning/Study (CouncilBd Room)	8:30am BldgCdAppeals (Conference Rm LL) 7:00pm Persons w/Dis (Conference Rm LL)	10:00am SeniorCitizens (CommCtr)		8
9	10	11	12	13	14
7:00pm Liquor Committee Meeting	7:30pm Planning (CC)	3:00pm ERS Meeting - Conf Room C (room has already been booked) (agenda)	7:30pm LibraryBd (Library) 7:30pm Parks and Rec (CommCtr)		15
16	17	18	19	20	21
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Historic District (Conference Room C) 7:30pm BdZoningAp (CC)	7:30am DDA (Conference Rm LL) 7:30pm Liquor Violation Hearings (Council Chambers)			22
23	24	25	26	27	28
7:30pm City Council-Regular (Council Chambers)	7:30pm Troy Daze Advisory Bd (CommCtr) 7:30pm Historical Commission (Troy Museum) 7:30pm Planning/Study (CouncilBd Room)	7:00pm TYC (Conference Rm LL) 7:30pm Liquor Violation Hearings (Council Chambers)			29

March 2004

March 2004						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April 2004						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
March 1	2	3	4	5	6
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	1:00pm Bd of Review 7:00pm EthnicIssues (Conference Room C) 7:30pm Planning/study (CouncilBd Room)	8:30am BldgCdAppeals (Conference Rm LL) 7:00pm Persons w/Dis (Conference Rm LL)	10:00am SeniorCitizens (CommCtr)		7
8	9	10	11	12	13
9:00am Bd of Review 7:00pm Liquor Committee Meeting	1:00pm Bd of Review 7:30pm Planning (CC)	3:00pm ERS Meeting - Conf Room C (room has already been booked) (agenda)	7:30pm LibraryBd (Library) 7:30pm Parks and Rec (CommCtr)		14
15	16	17	18	19	20
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Historic District (Conference Room C) 7:30pm BdZoningAp (CC)	7:30am DDA (Conference Rm LL)			21
22	23	24	25	26	27
7:30pm City Council-Regular (Council Chambers)	7:30pm Troy Daze Advisory Bd (CommCtr) 7:30pm Historical Commission (Troy Museum) 7:30pm Planning/Study (CouncilBd Room)	7:00pm TYC (Conference Rm LL)			28
29	30	31			



September 23, 2003

Dear Jennifer Lawson,

On behalf of Cranbrook Institute of Science and the Office of the Oakland County Drain Commissioner, we are writing to thank you for volunteering at the 2003 Rouge River Water Festival at Cranbrook Institute of Science. Nearly 1500 fifth grade students from thirty elementary schools throughout the Rouge River watershed participated in this event. Your involvement insured students moved from workshop to museum back to workshop, smoothly.

Your contribution as a volunteer helped ensure the overall success of the first annual Rouge River Water Festival held at Cranbrook Institute of Science. We sincerely hope you will join us again September 2004, as a volunteer for this unique environmental education event.

Your experience as a volunteer is important to us, and we are interested in receiving your input regarding the festival. Enclosed please find a Volunteer Survey for your review and completion. We would greatly appreciate any comments or suggestions you may have. Again, we thank you for your time, energy and commitment as a volunteer at the Rouge River Water Festival. We hope to see you next year!

Sincerely,

Keith Kleckner
Acting Director, Cranbrook Institute of Science

John P. McCulloch
Oakland County Drain Commissioner



P. O. Box 801, Bloomfield Hills, MI 48303-0801
Phone: (248) 645-3259 - Fax: (248) 645-3050
E-mail: marquette@cranbrook.edu





TO: MAYOR AND MEMBERS OF TROY CITY COUNCIL
FROM: LORI GRIGG BLUHM, CITY ATTORNEY *LB*
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY *am*
DATE: January 5, 2004
SUBJECT: SAUGER v TROY, ET AL

Plaintiff Jason Sauger and his parents, Plaintiffs Joann and Stephen Sauger, filed a lawsuit against Troy, alleging the Troy Police Department violated their Fourth Amendment rights when they entered their home to effectuate an arrest. They raised several claims in their complaint, including excessive force, assault and battery, intentional infliction of emotional distress and gross negligence. The City Attorney's office has represented the City and Chief Craft in the case while Michigan Municipal Risk Management Authority attorney, Michael Rosati, represented the individual police officers.

The City and Chief Craft and the individual officers filed separate motions for summary judgment. The Court granted the motion of the City and Chief Craft and dismissed Plaintiff's complaint against them. The motion filed on behalf of the individual officers was granted in part and denied in part leaving several claims pending against the individual officers.

A final pretrial conference was held with the Court on August 18, 2003. At that time, the Court urged the parties to continue to work towards settlement before trial. Accordingly, the parties voluntarily entered into a facilitation which took place November 3, 2003. As a result of the facilitation, the case has been resolved. A copy of the stipulation and the order dismissing the case with prejudice and without cost is attached.

If you have any questions concerning the above, please let us know.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAN 2 2004 AM 8:21

JASON SAUGER, JOANN SAUGER, and
STEPHEN SAUGER,

**City of Troy
City Attorney's Office**

Plaintiffs

Case No. 00-74529

vs.

Hon. Paul D. Borman
Mag. Judge Capel

CITY OF TROY, a municipal corporation,
TROY POLICE DEPARTMENT,
TROY CHIEF OF POLICE CHARLES CRAFT,
OFFICER DAVID QUAIATTO (Badge #053),
OFFICER PAT BROWNE (Badge #062),
OFFICER ROBERT SHANER (Badge #059),
OFFICER ANDREW SATTERFIELD (Badge #89),
OFFICER THOMAS GORDON (Badge #001), and
OFFICER JANICE GREFF (Badge #106),
jointly and severally,

FILED
JAN 2 2004
U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SALVATORE D. PALOMBO (P 35471)
SANDRA A. HARRISON (P 57456)
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Attorney for Defendant City of Troy, Troy
Chief of Police Charles Craft
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Troy, Michigan 48084
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JOHNSON, ROSATI, LaBARGE,
ASELTYN & FIELD, P.C.
BY: MICHAEL E. ROSATI (P 34236)
Attorney for Defendants Quaiatto, Browne,
Shaner, Satterfield, Gordon and Greff
34405 W. Twelve Mile Road, Suite 200
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(248) 489-4100

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JASON SAUGER, JOANN SAUGER, and
STEPHEN SAUGER,

Plaintiffs

Case No. 00-74529

vs.

Hon. Paul D. Borman
Mag. Judge Capel

CITY OF TROY, a municipal corporation,
TROY POLICE DEPARTMENT,
TROY CHIEF OF POLICE CHARLES CRAFT,
OFFICER DAVID QUAIATTO (Badge #053),
OFFICER PAT BROWNE (Badge #062),
OFFICER ROBERT SHANER (Badge #059),
OFFICER ANDREW SATTERFIELD (Badge #89),
OFFICER THOMAS GORDON (Badge #001), and
OFFICER JANICE GREFF (Badge #106),
jointly and severally,

FILED
DEC 29 2002
CLERK'S OFFICE
U. S. DISTRICT COURT
EASTERN MICHIGAN

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Southfield, MI 48075
(248) 350-0110

JOHNSON, ROSATI, LaBARGE,
ASELTYN & FIELD, P.C.
BY: MICHAEL E. ROSATI (P 34236)
Attorney for Defendants Quaiatto, Browne,
Shaner, Satterfield, Gordon and Greff
34405 W. Twelve Mile Road, Suite 200
Farmington Hills, MI 48331-5627
(248) 489-4100

ORDER OF DISMISSAL

At a session of said Court held in the City of
Detroit, County of Wayne, and State of Michigan on

DEC 23 2003

PRESENT: The Honorable Paul D. Borman, United States District Court Judge

Pursuant to the Stipulation of the parties appearing above:

IT IS HEREBY ORDERED that Plaintiffs' Complaint and claims against all Defendants be
dismissed with prejudice and without the award of costs or attorney fees to any party.

IT IS FURTHER ORDERED that this Order resolves the last pending claim and closes the
case.

PAUL D. BORMAN

Honorable Paul D. Borman
United States District Court Judge

A TRUE COPY

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

BY

Jonie Paredes
DEPUTY CLERK



TO: MEMBERS OF TROY CITY COUNCIL
 MEMBERS OF TROY PLANNING COMMISSION
FROM: LORI GRIGG BLUHM, CITY ATTORNEY
 ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY
DATE: January 9, 2004
SUBJECT: JOINT COMMITTEE

At a joint meeting of the Troy City Council and the Troy Planning Commission held October 28, 2003, there was discussion about creating a joint committee, comprised of members of City Council, the Planning Commission and City staff. As noted in a memo from City Manager, John Szerlag, dated January 6, 2004, the stated purpose of the proposed joint committee is to set priorities and make recommendations to work on projects beneficial to the community. Our office has been requested to prepare an opinion concerning the legality of such a joint committee.

Section 4.7(e) of the City of Troy Charter provides: "There shall be no standing committees of the Council." The Charter does not define the term "standing committee". When a term used in a City Charter is not defined, its meaning is construed as the commonly accepted meaning as long as such construction does not produce absurdity, hardship, injustice, or prejudice to the drafters and ratifiers of the charter. *City of Detroit v Walker*, 445 Mich 682, 691; 520 NW2d 135 (1994). As used in the legislative context, a "standing committee" generally refers to a permanent body established by the legislative body to conduct activities on a permanent basis. Some state statutes define "standing committee" in a similar fashion.¹ Utilizing this common meaning of the term "standing committee", it is our opinion Section 4.7(e) of the Troy City Charter prohibits any City Council member from serving on any permanent committee of the City. Since the stated purpose of the joint committee implies that it will be a permanent committee, as opposed to an ad hoc committee formulated for a single purpose, it is our opinion a member of the Troy City Council may not serve on the joint committee absent an amendment to the Troy City Charter.

As to whether a joint committee consisting of members of the Planning Commission and City staff may be formulated, our research has found no direct authority on the issue. The Municipal Planning Act, MCL 125.31, et seq., does not address the subject. However, Section 4 of the Act, MCL 125.34, gives broad authority to the Planning Commission to adopt its own rules for the transaction of business. Based on this grant of authority, and the lack of any statutory provision prohibiting the establishment of a committee, the Planning Commission can form sub-committees, as long as the committee has less than a quorum of Planning Commission members. City staff members are also able to serve as ex-officio members of the sub-committee. Troy's Ordinance, Chapter 4, Section 1.134 (4) provides that "all members of the administrative staff and employees... appointed to membership on an advisory committee... shall serve as ex-officio members only, and shall not vote on any matter considered by that committee... unless otherwise provided for by statute or City Charter."

¹ eg. Section 1(a) of the Local Historic Districts Act. MCL 399.201(a)

However, it is our recommendation that the joint- committee comply with the Open Meetings Act ², which can also apply to sub-committees. The application of the Open Meetings Act to sub-committees is factually dependent, and the major factor is whether the public body will have the chance to fully deliberate an item submitted by the sub-committee. If the public body's vote on an issue is merely a perfunctory action to approve the sub-committee's recommendation, then the meeting where the substantive discussion and deliberation occurs should be open to the public. Similarly, if the sub-committee has the power to decide which items will be referred to a public body for action, the sub-committee meetings should be subject to the provisions of the Open Meetings Act. ³ The importance of complying with the Open Meetings Act was recently discussed by the Michigan Court of Appeals in *Morrison v City of East Lansing*, 255 Mich App 505; 660 NW2d 395 (2002). In that case, the court held a special committee appointed by a city council to make recommendations concerning the development of a community center constituted a "governmental body", and was thus subject to the Open Meetings Act. Since recent Attorney General Opinions and court decisions reveal it is a fine line that distinguishes an advisory committee, which is not subject to the Open Meetings Act, and a governmental body that is subject to the Act, we recommend all meetings of the proposed joint committee be public in accordance with the Open Meetings Act.

Although we do not recommend City Council members be members of the joint committee, there are some methods that may be employed to insure effective communication between City Council and the Planning Commission. For instance, the Planning Commission may appoint a liaison to attend City Council meetings to address any questions raised by Council members. In addition to the significant time commitment that this would entail, there is also a possibility that the report of the liaison could deviate from the official written resolutions of the board. Since Boards and Committees speak only through their formal resolutions, this option could also be problematic.

Although minutes of boards and committees can sometimes be sketchy, and not contain arguments raised during deliberations, one alternative to subjecting both City Council and the Planning Commission to the meetings of each other is to provide more detailed resolutions and written records. Our office reviewed a recent resolution that referred a zoning ordinance to the Planning Commission for further review. Unfortunately, the resolution merely referred the item to the Planning Commission, without providing more explicit direction or itemizing concerns. Although the Planning Commission was aware in this particular case of some of the concerns of Council, any person reviewing the written record at a subsequent date will not have an itemization of these concerns. A strong written record, detailing concerns and actions, is essential in the event of litigation. The reverse is also true. Reducing the Planning Commission concerns and deliberations in a written and concise manner will improve the communication between these two public bodies, and will serve the City. In addition, if the joint Planning Commission-Administration committee option is pursued, the additional written materials summarizing these meetings will also enhance communication. One other recommendation concerns the televising of the meetings. In the past, the policy has been to pass the resolutions as printed, rather than reading the resolutions verbatim at the meeting.

² Open Meetings Act, MCL 15.261 et. seq.

³ OAG 1998, No. 7000 (December 1, No. 7000) In that case, the Attorney General determined a standing committee of a county board of commissioners composed of less than a quorum of the full board was subject to the Open Meetings Act when the committee was effectively authorized to determine whether items of county business will or will not be referred for action by the full board.

Unfortunately, the resolution is not always available to the viewing public, including members of either City Council or the Planning Commission who choose to watch the meetings on cable. Although cumbersome, the recitation of the resolution, prior to a vote on the matter, may also improve communication between these two public bodies, and also the public.

If we can provide further assistance, please let us know.

CC: John Szerlag
Gary Shripka
Mark Miller